

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.17769 of 2017

DATE: 05.06.2017

Between:

Chilumula Kishta Reddy
S/o late Janna Reddy, 70 years,
Retd., employee and two others ...Petitioners

and

State of Telangana,
Rep. by its Principal Secretary,
Department of Irrigation & Command Area Development
Secretariat Buildings, Saifabad, Hyderabad
and four others ...Respondents

Counsel for the petitioners: M/s. Papaiah Peddakula

Counsel for the respondents: Learned Government Pleaders for
Irrigation and Revenue



THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.17769 of 2017

ORDER :

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in trying to construct bund in between the lands in Sy.No.31 and 32 of Venkatapur village, Valigonda Mandal, Yadadri-Bhongir District, which is in southern border of patta lands of the petitioners and affecting the said lands of of the petitioners in an extent of Ac.5-33 guntas in Sy.No.32(owned an extent of Ac.1-38 guntas of each petitioner No.1 and 2 and Ac.1-37 guntas by petitioner No.3 respectively), situated Venkatapur village, Valigonda Mandal, Yadadri-Bhongir District, under the guise of Mission Kakatiya Programme, without conducting any survey or without giving any notice with regard to conducting of survey and without giving any opportunity of hearing and without initiating any land acquisition proceedings, is illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India and pass such other order or orders as this Hon’ble Court may deem fit just and proper in the circumstances of the case.”

Heard learned counsel for the petitioners, learned Government Pleaders for Irrigation and Revenue for the respondents.

In the affidavit filed in support of the writ petition, it is stated that without conducting survey and demarcation, the respondents are trying to construct a bund between the lands in Sy.Nos.31 and 32 situated at Venkatapur Village, Valigonda Mandal, Yadadri-Bhongir District, which are in southern border of patta lands of the petitioners, under the guise of Mission Kakatiya Programme and that though the petitioners made representations on 12.05.2017, 29.05.2017 and 01.06.2017, no action has been taken by the respondents.

On instructions, it is the submission of the learned Government Pleaders that the respondents are not at all going to lay any bund, much less, in Sy.Nos.31 and 32 situated at Venkatapur Village, Valigonda Mandal, Yadadri-Bhongir District, and the very averments of the petitioners in the affidavit filed in support of the petition itself are untrue and the prayer is unsustainable.

Recording the above submissions, the writ petition is disposed of directing the respondents to dispose of the representations submitted by the petitioners, within fifteen days from the date of receipt of copy of this order. It is left open to the petitioners to agitate their further grievance.

Accordingly, the Writ Petition is disposed of at the stage of admission. No costs.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

Date:05.06.2017
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Dr. B. SIVA SANKARA RAO J,