

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.42879 of 2017

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus, by declaring the action of the respondents in not conducting the survey for to findout the boundaries of the West Godavri and East Godavari Districts in the River of Godavari, and to decide the boundaries in peaceful atmosphere by considering representation of the petitioner, dated 05-09-2017, as illegal, arbitrary, violate of article 14, 19 and 21 of Constitution of India and against the principals of natural justice and consequently to direct the respondents to conduct the survey to fix the boundaries of the West Godavri and East Godavari Districts in the River of Godavari, by considering representation of the petitioner, dated 05-09-2017, and pass such other order or orders as may deem fit and proper in the circumstances of the case.”

[Reproduced verbatim]

2. I have heard the submissions of Sri *Challa Srinivasa Reddy*, learned counsel appearing for the petitioner, the learned Government Pleader for Mines and Geology appearing for the 1st respondent, and of the learned Government Pleader for Revenue appearing for the respondents 2 to 4. I have perused the material record.

3. Learned counsel for the petitioner submits that earlier an auction was held by the District Officers of West Godavari District and East Godavari District for excavation of sand and that as at that time, the boundaries between the two District areas are not fixed, there was some confusion and, hence, permission was accorded to equally share the excavated sand and that thereafter also, survey was not done and boundaries are not fixed and however, certain persons are excavating

the sand within the periphery of West Godavari i.e., from River Godavari and that such excavation is likely to affect the islands in the River Bed, which are sources of livelihood for many ryots and coolies and that, therefore, a representation is given, on 05.09.2017, to the District Surveyor, West Godavari District, to conduct survey at the disputed place and define the boundary between the two District areas and that despite such representation, no action has been taken by the respondents 1 to 4 and, hence, the present writ petition is filed.

4. Learned Government Pleader for Mines and Geology, on oral instructions, would submit that now there is a free-sand policy in the State and, therefore, the request of the petitioner for survey need not be considered and that the representation is given to the Surveyor and not to the appropriate authority of the Department and, hence, the writ petition is not maintainable.

5. Learned Government Pleader appearing for the respondents 2 to 4, while endorsing the submissions of the learned Government Pleader for Mines and Geology, also would submit that the survey was already conducted in the year 2005 and, hence, the writ petition is liable for dismissal.

6. In reply, learned counsel for the petitioner would submit that if the representation is considered and disposed of by the authority concerned, the ends of justice would be met.

7. Recording the submissions, the Writ Petition is disposed of giving liberty to the petitioner to submit a fresh representation to the authority concerned for redressal of the petitioner's grievance within a period of two (02) weeks from the date of receipt of a copy of this

order; on the petitioner making such representation, the authority concerned shall dispose of the same, in strict accordance with procedure established by law, within a period of four (04) weeks and communicate the decision taken thereon to the petitioner within a week after taking such decision.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE M. SEETHARAMA MURTI

Date: 21st December, 2017

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