

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 2043 OF 2018

ORDER:

This Writ Petition has been filed alleging that the representations dated 09.10.2017 and 11.07.2017 submitted by the petitioners to the respondent authorities requesting them to stop illegal construction of water tank in the land admeasuring Ac.0.10 guntas in Survey No. 643 situated at Chityala Village and Mandal, Nalgonda District without acquiring the land or following the due process of law, have not been considered so far.

It is the specific assertion of the petitioners that they own the land in an extent of Acs.3.29 guntas in Survey No. 643 of Chityala Village, by way of inheritance. It is their further case that out of the said extent, approximately, in an extent of Ac.0.10 guntas, the respondent authorities, in and around July 2017, have started construction of a water tank under Mission Bagiratha Scheme without acquiring the land and without paying compensation.

Heard learned counsel for the petitioners.

Learned Government Pleader for Irrigation has placed on record the brief note submitted by the Deputy Executive Engineer, Rural Water Supply Department, Nakerekal Sub-Division, wherein it has been stated that the construction of water tank has been undertaken in Survey No. 651, which is a vast extent of land and a part of which was also given to run a primary school. As a matter of fact, the water tank is being constructed in the land that was allotted to the school by taking over a part of the same. The

assertion of the petitioners that construction of water tank is undertaken in Survey No. 643 is specifically denied.

This is a case where there is an assertion and counter-assertion. The contention of the petitioners is specifically denied. In those circumstances, it is not possible for this Court to decide whether the tank is being constructed in Survey No. 651 or in Survey No. 643. However, from a perusal of the rough sketches which have been filed before this Court showing location of the land in Survey Nos. 643 and 651 and considering the fact that the issue can easily be resolved if survey is conducted by a competent authority, conducting of which would not, in any way, prejudice the rights of the respondents, this Court feels it appropriate to direct the 4th respondent Revenue Divisional Officer to take necessary steps to conduct a joint survey with the help of a competent surveyor and identify the exact location where the alleged construction of water tank is being done. In the event the survey discloses that any construction is made by the respondent authorities in Survey No. 643, as claimed by the petitioners, necessary steps can be taken to regularize the occupation of the petitioners' land.

In those circumstances, the Writ Petition is disposed of with a direction to the 4th respondent to take necessary steps to conduct survey with the help of a Mandal Surveyor within twelve weeks from today and ascertain whether the tank is being constructed in Survey No. 651 or in 643. It is made clear, if the survey discloses that the water tank is being constructed in Survey No. 643, the respondent authorities shall take steps to regularize the occupation of the petitioners' land, after following due process

of law. Needless to say that the respective parties shall have their rights reserved with respect to the survey to be undertaken. No costs.

Consequently, the miscellaneous Applications if any shall also stand closed.

CHALLA KODANDA RAM, J

21st February 2018
ksld



