

HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.18820 of 2005

ORDER.

This Writ Petition is filed for a *Mandamus* declaring the inaction of respondent Nos. 1 to 4 in stopping the digging of the tank by respondent No.5 in the lands in R.S.Nos.631 to 635, 638, 640, 644, 645, 647 and 648 admeasuring Acs.50.67 of Jalipudi Village, Eluru Mandal, West Godavari District, in violation of G.O.Ms.No.120, dated 04.10.1999, as illegal, arbitrary and unconstitutional.

Heard learned counsel for the petitioners.

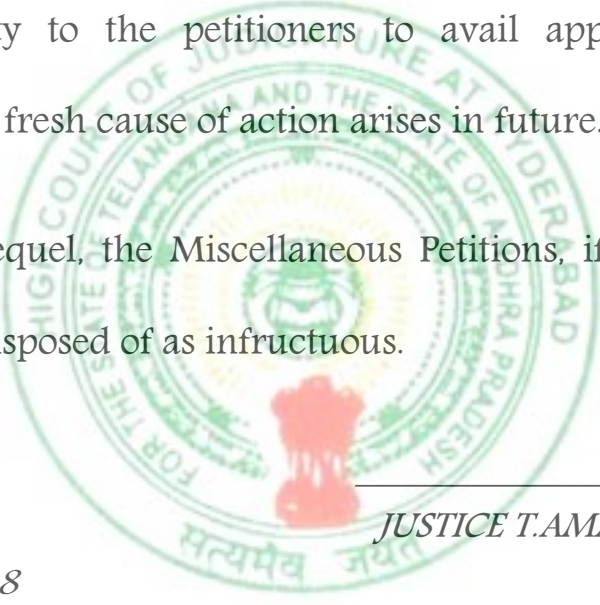
It is the case of the petitioners that respondent No.5 without obtaining any permission is taking up digging operations to form a tank for the purpose of pisci culture in the lands in R.S.Nos.631 to 635, 638, 640, 644, 645, 647 and 648, which are adjacent to their land, and with an apprehension that their lands would get damaged, they made representation to the official respondent Nos.1 to 4 to take necessary action.

The main grievance of the petitioners is that the official respondents have not initiated any action in pursuance of their representation. Hence, this Writ Petition is said to have been filed.

Since the cause of action pertains to the year 2005 and the petitioners have been enjoying the interim order all through, this Court feels that the cause of action does not survive for adjudication as on date. However, it is needless to observe that when a representation is filed before the official respondents, it is their bounden duty to consider the same and pass appropriate order following the relevant Government Orders.

In the light of the above, the Writ Petition is disposed of giving liberty to the petitioners to avail appropriate legal remedies if a fresh cause of action arises in future.

As a sequel, the Miscellaneous Petitions, if any, pending shall stand disposed of as infructuous.



JUSTICE T.AMARNATH GOUD

26th April 2018

DR