

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT APPEAL NO.986 OF 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in WP.No.2318 of 2017 dated 28.02.2017.

The appellant herein is the seventh respondent in the Writ Petition. The first respondent herein filed the Writ Petition seeking a mandamus to declare the failure of the District Collector, Guntur, to consider his representation dated 19.12.2016 to protect Nara Koduru Cheruvu situated in Survey No.51/1 of Nara Koduru Village, Chebrole Mandal, Guntur District, in not taking steps to remove the illegal constructions being put up over the tank bed, and in not restoring the tank to its original condition, as illegal, arbitrary and violative of Articles 14, 21 and 51-A(g) of the Constitution of India. A consequential direction was sought to the District Collector, Guntur to take appropriate steps, and to ensure that all illegal constructions over the said tank were removed.

W.P. No.2318 of 2017 was disposed of, by the order under appeal, directing the District Collector, Guntur to dispose of the petitioner's representation dated 19.12.2016 in accordance with law. Aggrieved thereby, the seventh respondent, in the Writ Petition, is in appeal before us.

Sri G.Vijayasaradhi, learned counsel for the appellant, would submit that, in view of the aforementioned order passed by the learned Single Judge, the appellant's bills are not being realised.

The order of the learned Single Judge did not disable the respondent-authorities from doing so. Any grievance which the appellant may have regarding failure, of the official respondents, to make payment can only be agitated in appropriate legal proceedings instituted by him, and not in an appeal preferred against the order passed in a Writ Petition filed by the respondent herein.

The Writ Appeal as filed is wholly misconceived and is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

23rd March 2018
RRB

