

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.1884 of 2013

ORDER:

The petitioner is a society registered under Societies Registration Act, 2001. It is the case of the petitioner that the water body is existing in the land to an extent of Ac.4.30 cents in Survey No.529, situated at Appapuram Village, Hamlet of Irlapadu, Nadendla Mandal, Guntur District. Its further case is that an extent of Ac.0.80 cents of vacant land in Survey No.532/2 existing on the eastern side to the said tank and it is a low-lying area. The said land forms part of Ac.1.10 cents, which was classified as 'Inam land' in Re-settlement Register. No ryotwari patta was issued to any one. The petitioner states that polluted water gets accumulated in the said land of an extent of Ac.1.10 cents and they submitted a representation on 28.11.2012 to the District Collector, 2nd respondent, pointed out that the drinking water source is getting polluted from the land and sought for handing over the said land to the Rural Water Supply Department or Panchayatraj Department, so that the petitioner society could obtain permission to develop the existing drinking water source by merging the land with the existing tank. Grama Sabha also passed a resolution on 16.07.2012 protecting the said drinking water source. In those circumstances, they filed the present Writ Petition seeking consideration of representation, dated 28.11.2012.

2. Counter-affidavit was filed on behalf of respondents 1 to 4 admitting that drinking water tank is situated in an extent of Ac.4.36 cents of land in Survey No.529. It is also admitted that an

extent of Ac.0.80 cents of land in Survey No.532/2 is situated on the eastern side of the said drinking water and it is in low-lying area. Water is getting stagnated during rainy season, but there is no scope for joining of rain water into drinking water tank. Drinking water tank is being maintained by the 5th respondent. So far as the land to an extent of Ac.0.80 cents is concerned, it is recorded as 'Inam land' in village records. The 4th respondent personally inspected the present suit schedule property and noticed that it is quite adjacent to the existing drinking water tank and a part of property was covered by encroachments in the shape of sheds and stocking of hay ricks, but not causing any damage to the existing drinking water tank. A report was submitted to respondents 2 and 3 for seeking necessary instructions in the matter.

3. Respondents 6 to 15 got impleaded in the present writ petition on 05.02.2018. The case of the impleaded respondents is that they inherited the property and constructed houses in a portion of the land.

4. Since a counter-affidavit is filed on behalf of respondents 1 to 4 clearly stating that the land to an extent of Ac.0.80 cents situated on the eastern side of the water tank does not cause any damage to the existing water tank and water would be filled up only during rainy season, no relief can be granted to the petitioner in the present Writ Petition. It is left open to the authorities to utilize the said water tank as they feel. If respondents 6 to 15 possess any title, it is for them to protect their property.

5. In view of the same, the Writ Petition is dismissed. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

MARCH 13, 2015

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Date:13.03.2018

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