

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 20918 of 2016

and

CONTEMPT CASE No.2573 of 2016

COMMON ORDER:

W.P.No.20918 of 2016 is filed seeking to declare the action of respondent Nos.3 to 5 in laying pipeline and cement concrete bed on the petitioner's private patta land admeasuring Acs.8.35 guntas in Survey No.436 of Toopran Village and Mandal, Medak District, as illegal and arbitrary.

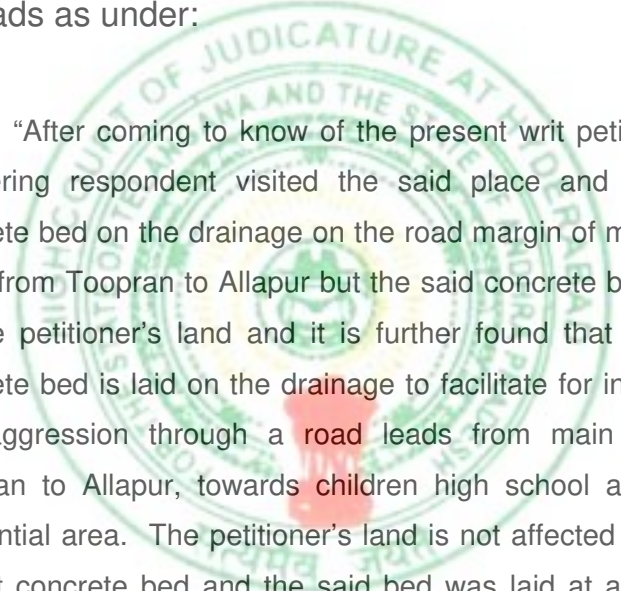
In the affidavit filed in support of the writ affidavit, the petitioner states that he got issued a legal notice to respondent Nos.3 to 5 to remove the pipeline, and the same was acknowledged by them. His grievance is that, till today, no action has been taken by respondent Nos.3 to 5.

Respondent Nos.1 to 3 filed a counter-affidavit, relevant portion of which reads as under:

"In reply to para No.4 of the affidavit, it is submitted that the State Government of Telangana launched flag ship scheme "Mission Bhagiratha" to provide drinking water to every household. In pursuant of this scheme, it has been proposed by the department to lay a pipeline to supply drinking water to the Venkateshwara Colony in a Village of Toopran. In this process, a pipeline of 75 mm diameter HDPE was laid to the right side of the 20 feet road (East side), passing through Plot Nos.8 and 9 proposed to connect plot Nos.1, 2, 3, 4, 5, 6

and 7 of Survey No.437/A. The fact of 20 feet road is seen from the registered documents of Vendees Plot Nos.8 and 9. The averments of the petitioner that respondent No.3 dug this land and placed concrete is incorrect. It is further submitted that to avoid dispute, the pipeline earlier laid to the right side of the passage shifted to left side of the road, abutting to the plots already sold. Hence, there is no trespass and violation of Article 300A of the Constitution of India. It is further submitted that respondent No.3 did not execute any work of concrete for this pipeline. Hence, the averments of the petitioner that 300 square yards of land was effected in laying the pipeline is incorrect.”

Respondent No.4 filed a counter-affidavit, relevant portion of which reads as under:



“After coming to know of the present writ petition, this answering respondent visited the said place and found a concrete bed on the drainage on the road margin of main road leads from Toopran to Allapur but the said concrete bed is not on the petitioner’s land and it is further found that the said concrete bed is laid on the drainage to facilitate for ingress and egress through a road leads from main road of Toopran to Allapur, towards children high school and other residential area. The petitioner’s land is not affected because of that concrete bed and the said bed was laid at about two year ago.”

In the light of the stand taken by respondent Nos.1 to 3 and respondent No.4 in their respective counter-affidavits that the said concrete bed is not on the petitioner’s land and in the absence of any material produced by the petitioner to that effect, the writ petition is closed, leaving it open to the petitioner to work out his remedies available in law if anybody occupies his land. It is made

clear that if the concrete bed has been laid on the drainage as stated in the counter-affidavit of respondent No.4, the petitioner shall not remove the same without putting the Gram Panchayat on notice and without there being any permission.

In view of the closure of the writ petition, C.C.No.2573 of 2016 is no longer required to be considered and the same is accordingly closed.

Miscellaneous petitions, if any, shall stand closed of. There shall be no order as to costs.

Dt:28.03.2018

kdl



CHALLA KODANDA RAM, J

