

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.36879 OF 2018

DATED :29.10.2018

Between :

Shaik Khadar Bee W/o.Late Abdul Sathar,
Aged 62 yrs, Occu : Cultivation,
R/o.Iruvaram of Chittoor Town,
Chittoor District & others.

.. Petitioners

And

The State of Andhra Pradesh,
Rep., by the Principal Secretary,
Irrigation & Command Area Development Department,
Secretariat Buildings, Velagapudi,
Guntur District & others.

... Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioners, learned Government Pleader for Irrigation for respondents 1, 4, 5 and 6 and learned Government Pleader for revenue for respondents 2, 3 & 7.

2. Petitioners claim to be residents of Iruvaram of Chittoor Town. Petitioners claim to own land to an extent of Ac.2-07 cents in Sy.Nos.450 and 451. Petitioners allege that in the guise of securing contract by the 8th respondent, vide proceedings dated 19.06.2018 of the District Collector, Chittoor, she is interfering with possession and enjoyment of their land, digging their land and taking mud from their land and putting it into the opposite side i.e., her side of the land under the guise of executing the work contract entrusted to her.

3. The prayer in the writ petition is to declare action of respondents 2 to 7 in allowing the 8th respondent and her men in removing the mud from petitioners land on the western side of Neeva River and putting it into Eastern side of the river into her land under the guise of work order dated 19.06.2018 to divert the river course.

4. A bare perusal of the work order would show that the work entrusted to 8th respondent would read as "Restoration of Neeva River course near Iruvaram H.W. in Chittoor Mandal of Chittoor District." Thus, the work itself was for restoration of Neeva River course.

5. A reading of Page No.15 of the document relied by learned counsel for petitioners would show that the River course was severely damaged affecting the patta land of 8th respondent and therefore, work for restoration of Neeva River was sanctioned. Therefore, it is permissible to the 8th respondent to execute the work of restoration of Neeva River course. Other than restoration of Neeva river, if the 8th respondent is interfering with the possession and enjoyment of petitioners' land and taking away earth from their land, petitioners have to work out their remedies as available in common law. It is appropriate to note that petitioners have not challenged the decision of respondent-authorities in deciding to undertake restoration of Neeva River course and awarding work contract to the 8th respondent.

6. Thus, the Writ Petition merits no consideration. Accordingly, the Writ Petition is dismissed leaving it open to the petitioners to work out their remedies against alleged interference into their land by private persons. Pending miscellaneous petitions shall stand closed.

P.NAVEEN RAO,J

29th October, 2018

Note : Issue c.c. in two (2) days.

B/o.
Rds