

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.3651 of 2019

ORDER:

The prayer of the petitioner in this case reads as under:

'For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue any appropriate Writ, Order or direction more in the nature of Writ of Mandamus

(a) To direct the Respondents 3 and 4 to cause enquiry and to take appropriate action on the Representation dated 19-2-2018 and 15-11-2018 filed by the petitioner with regard to the illegal raising of the land around the weir wall by the Respondent No.5 obstructing the free flow of water from the Tank namely Veerabhadra kunta within 2 weeks from the date of the order

(b) To declare the inaction on the part of the Respondents 3 and 4 in causing enquiry and in taking action basing on the representations 19-2-2018 and 15-11-2018 submitted by the petitioner with regard to the illegal raising of land around the weir wall by the Respondent No.5 obstructing the free flow of water from the Tank namely Veerabhadra kunta is nothing but illegal, arbitrary and contrary to the provisions of Telangana Irrigation Act 1357 Fasli and pass such further or other orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.'

In the light of the order proposed to be passed by this Court without going into the merits of the matter, it would not be necessary at this stage to put the fifth respondent on notice or afford him an opportunity of hearing.

As it is the complaint of the petitioner that the fifth respondent is raising the land around the weir wall which would cause obstruction to the free flow of water from Veerabhadra Kunta tank and that his representations dated 19.02.2018 and 15.11.2018, made in this regard, are pending consideration with the irrigation authorities, it would be appropriate that the said authorities consider the complaint made by the petitioner under his representations on its own merits and take

appropriate action, as warranted, after giving an opportunity of hearing to all parties concerned.

The writ petition is accordingly disposed of directing the Executive Engineer (Irrigation), Irrigation and Command Area Development, Karimnagar, to give notice to the fifth respondent upon the complaint made by the petitioner under his representations dated 19.02.2018 and 15.11.2018; afford an opportunity of hearing to both sides; and thereafter take appropriate action, as warranted, in accordance with the norms in relation to the said complaint. This exercise, one way or the other, shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order, be it from whatever source.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

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JUSTICE SANJAY KUMAR

Date:22.02.2019

GJ