

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.10347 OF 2019

ORDER:

This Writ Petition is filed for the following relief:

“..to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent authorities in proceeding with the construction of Lift Irrigation Pumping House in the bed of the Padamativagu Water Stream in the petitioner's land admeasuring Ac.2.02 gts in Sy.No. 400/2 situated at Korlagudem village, Kalluru Mandal, Khammam District without issuing any notice and without initiating the Law Acquisition proceedings on 22.04.2019 as being illegal, arbitrary, unjust and violative of Article 21 and 300A of the Constitution of India and consequently direct the respondent authorities to forthwith remove the illegal and unauthorized construction made in the above mentioned lands and to grant such other relief...”.

2. Heard the learned counsel for the petitioner, the learned Assistant Government Pleader for Irrigation appearing for the respondents and perused the record.

3. There is a dispute with regard to the land where the subject construction of laying the pipelines is made. These factual aspects are required to be addressed by filing a civil suit before a competent Civil Court, since under Article 226 of the Constitution of India it is difficult to hold that the subject structures and constructions are being made in the above subject land allegedly belonging to the petitioner.

4. Under these circumstances, no relief as prayed can be granted in favour of the petitioner.

5. With the above observations, the Writ Petition is disposed of.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

Date: 15.05.2019
ssp/gra

