

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.368 OF 2020

ORDER:

The present Writ Petition is filed questioning the action of the respondent Nos.2 to 4 in interfering with the peaceful possession of the petitioners in respect of the well situated in Sy. No.119 of Chunchanakota village, Cheryal Mandal, Siddipet District, Telangana, without following the due process, and as being illegal, arbitrary and unconstitutional.

Heard Sri R. Sushanth Reddy, learned Counsel representing Sri B. Vijaysen Reddy, learned Counsel for the petitioners and learned Government Pleader for Panchayat Raj and Sri G. Narender Reddy, learned Standing Counsel for Gram Panchayat.

It is the case of the petitioners that the petitioners who are the owners and possessors of land in Sy. Nos.120 to 130 and are drawing water over the years from the open well, which is situated in Sy. No.119 of Chunchanakota village for the purpose of cultivation. It is claimed by the petitioners that on account of respondent No.4 bearing a personal grudge against the petitioners, and taking advantage of his possession as Sarpanch is trying to convert the land in Sy. No.119 of Chunchanakota village into a dumping yard so as to hinder the petitioners agricultural activities and also taking steps to close the open well in Sy. No.119 of Chunchanakota village by converting the said well into a dumping pit.

Learned Standing Counsel for Gram Panchayat on the other hand submits that admittedly the land in Sy. No.119 of

Chunchanakota village is Government land and the well which is situated in the said survey number is also located in the Government land and the petitioner cannot claim any right over the well. Further, the learned Standing Counsel would submit that the open well is only a seasonal well and the panchayat authorities are not taking any steps to close the same as being alleged by the petitioners. Learned Standing Counsel would also submit that the land to an extent of Ac.0.18 gts in the survey No. 119 has been earmarked to dump yard and petitioners cannot have any objection for the same, since such dump yard is being set up in the government land which has been handed over to the Gram Panchayat and no part of the petitioner's land is being either taken or used for the dump yard, except the fact that the petitioner's land are abutting the Government lands in Sy. No.119 of Chunchanakota village.

Since, a specific assertion has been made by the learned Standing Counsel representing the respondent No. 2 to 4, that the open well in Sy. No.119 is not being closed and the authorities are setting up a dump yard to an extent of Ac.0.18 gts. excluding the well, this Court is of the view that the Writ Petition can be disposed of by directing the respondents to provide proper coverage on all the sides of the dump yard being put-up in Sy. No. 119 of Chunchanakota village and to also ensure there is no seepage of any filth or waste material either into the open well or on to the petitioners lands.

Subject to the above observation, the Writ Petition is disposed of. No order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending shall stand closed.

JUSTICE T.VINOD KUMAR

Date: 22.01.2020.

MRKR

