

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE NO.2010 OF 2017

Date: 31.01.2020

Between:

Kotte Dattaiah s/o. Rajalingam,
r/o. 5-6-376, Kakatiyanagar Colony,
Kamareddy-I previously Nizamabad,
Now Kamareddy district.

.... Petitioner

AND

Dr. T.K.Sridevi, I.A.S.,
Commissioner & Director of
Municipal Administration, 640,
A.C. Guards, Hyderabad and another.

.... Respondents



This Court made the following:

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ORDER:

On 13.12.2016, this Court issued the following order in W.P.M.P.No.51668 of 2016 in W.P.No.41914 of 2016:

“The grievance of the petitioner is that stagnated drain water is illegally flowing into the land of petitioner and in spite of several complaints, no action is taken by the respondents.

Earlier petitioner complained to Lokayukta in complaint No.5349/2013/B1 and even though the Lokayukta passed orders on 03.12.2013 directing the Commissioner to enquire into the matter and take remedial measures. Even after three years, no remedial measures are taken.

Having regard to the same, there shall be interim direction to the respondents to divert the stagnated drain water which is illegally flowing through pipe line into the agricultural land belonging to the petitioner in Sy.No.90, 91/A, 91AB and 91/E, admeasuring Ac.3.00 situated in Kamareddy village and mandal, Nizamabad district, within a period of four (4) weeks from the date of receipt of copy of this order.”

2. Alleging violation of the above direction, this Contempt Case is filed.
3. On 05.01.2018, having regard to the respective submissions made, the Revenue Divisional Officer, Kamareddy, was directed to conduct field inspection and file status report along with photographs with regard to flowing and stagnation of drainage water into the subject land and construction of alternative sewerage line diverting the drainage pipeline. The Revenue

Divisional Officer filed his reported dated 07.02.2018. According to the report, even after removing the pipeline through which drainage water was entering into the petitioner's land, whenever there was overflow of drainage water, the drainage water is entering into the petitioner's land. He observed that it can be controlled only by constructing a permanent drainage for the entire locality. The report discloses that Municipal Engineer informed that steps were already taken to construct permanent drainage channel and e-procurement tender was issued on 07.02.2018. In the additional counter-affidavit, deposed by Ms. J.Sailaja on 13.11.2019, it is deposed that the work of construction of drain water channel was completed in all respects and the contractor was paid the amount for the work executed by him. Photographs are also enclosed on the progress of work undertaken.

4. Learned counsel for petitioner does not dispute the construction of drain water channel. She now sought to contend that constructed drainage water channel was passing through the land of petitioner and the drain water is flowing into the Well of the petitioner. On the contrary, the respondent-Municipality denied the claim of petitioner's ownership, through which drain water channel was constructed.

5. Having regard to the respective submissions, by order dated 06.12.2019, the Revenue Divisional Officer was directed to have physical inspection of the site in the presence of petitioner, the Commissioner of Kamareddy Municipality or Municipal Engineer, by giving advance notice to the parties and submit report along with the photographs, to show whether the allegation of petitioner

that firstly, the channel now built is going through the midst of the property of petitioner and secondly, the channel was opening into the Well affecting the water in the well. The Revenue Divisional Officer filed his report. A reading of the report would show that as per the revenue records, total extent of land owned by the petitioner is Ac.0.26½ in Sy.No.90/a and Ac.0.28 guntas in Sy.No.91/a of Kamareddy. The report discloses that the said land is kept fallow for the last few years and no cultivation is seen and that he could not ascertain that Municipal Nala was passing through the petitioner's land.

6. The sketch map of the area would show that some drainage water channel was passing through Sy.No.91. The total extent of land in Sy.No.91 is Ac.1.15 guntas, whereas the land to an extent of Ac.0.28 guntas fallen to the share of petitioner.

7. Be that as it may, insofar as this Contempt Case is concerned, the direction issued was to divert the stagnated drain water flowing into the agricultural land claimed to be belonging to the petitioner. Though in the interim order, Ac.3.00 guntas of land was mentioned, but according to the report of the Revenue Divisional Officer, in the revenue records, the extent of land fallen to the share of petitioner is only Ac.0.26½ guntas in Sy.No.90/a and Ac.0.28 guntas in Sy.No.91/a. Which portion of Sy.No.91 has fallen to his share is not clear as of now.

8. As noted above, since stagnated drain water channel was already constructed, I do not find that respondents violated the directions issued in the writ petition. Contempt Case is accordingly

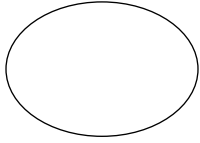
closed. If petitioner has grievance regarding construction of stagnated drain water channel passing through his property, he may have to work out his remedy as available in law. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 31.01.2020

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