HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY ,THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO: 24103 OF 2020

Between:

Pulinti Swamy Kumar, S/o.Ellaiah, Aged 43 years, Occ. RMP Doctor, R/o.1-5, Konaraopeta Metpally Mandal, Jagtial District.

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary, Panchayath Raj Department, Secretariat, Hyderabad.
2. The District Collector, Jagtial District.
3. The Sub Collector, Metpally.
4. The Gram Panchayath, Konaraopeta, Metapally Mandal
5. The MPDO, Metpally.
6. The District Panchayath Officer, Jagtial.
7. The Panchayath Secretary, Konaraopeta, Metpally mandal.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in proceeding with the construction of drainage canal at the petitioners property bearing no. 1- 5, admeasuring 360 Sq.yards situated at Konaraopeta Village, Metpally Mandal, Jagtial District without issuing notice as contemplated under Right to Fair Compensation under the Land Acquisition Act as being illegal, arbitrary and unconstitutional and violative of Article 19, 21, 300 A of Constitution of India consequently direct the respondents not to interfere with my peaceful possession and enjoyment of petitioners property bearing 1- 5 admeasuring 360 Sq.yards situated at Konaraopeta Village, Metpally Mandal, Jagtial District for laying drainage line.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents not to interfere with my peaceful possession and enjoyment of petitioners property bearing 1- 5 admeasuring 360 Sq.yards situated at Konaraopeta Village, Metpally Mandal, Jagtial District for laying drainage line.

Counsel for the Petitioner:SRI. N. KRISHNA SUMANTH
Counsel for the Respondent No. 1: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT
Counsel for the Respondent Nos. 2 & 3: GP FOR REVENUE
Counsel for the Respondent Nos. 4 to 7: SRI. G. NARENDER REDDY, SC FOR PANCHAYAT RAJ

The Court made the following:

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 24103 of 2020

O R D E R:

Petitioner complains the drainage being constructed in front of his house, which is not required to him, as, he has independent sump constructed by him in his own place. He asserts that his bore-well is likely to be affected, if the drainage is constructed.

So far as the construction of drainage is concerned, no injunction can be granted, if the drainage is being constructed as an integrated development of the village drain system. However, in the process of construction of the drainage, if the property of the petitioner is likely to be affected, the respondent authorities are required to pay compensation for the same.

As it is the assertion of the petitioner that the bore-well is likely to be affected, the respondent authorities shall get the site examined and determined the damages by the Executive Engineer, Engineering Department of the Panchayat Raj, and shall ensure that the compensation amount, as may be determined by the said Engineer, shall be paid to the petitioner.

Subject to the above, the writ petition is disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall also stand disposed of. There shall be no order as to costs.

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Panchayath Raj Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Jagtial District.
3. The Sub Collector, Metpally.
4. The Gram Panchayath, Konaraopeta, Metapally Mandal
5. The MPDO, Metpally.
6. The District Panchayath Officer, Jagtial.
7. The Panchayath Secretary, Konaraopeta, Metpally mandal.
8. One CC to Sri. N. Krishna Sumanth Advocate [OPUC]
9. Two CCs to GP for Panchayat Raj & Rural Development, High Court for the State of Telangana. [OUT]
10. Two CD Copies.

PM

HIGH COURT

DATED:29/12/2020



ORDER

WP.No.24103 of 2020

Disposing of the WP
Without costs.

(12)
8/1/21