

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

MAIN CASE No. W.P No.2543 of 2024

PROCEEDING SHEET

Sl. No	DATE	ORDER	Office Note
02.	06.02.2024	<u>NV, J</u> <u>I.A No.1 of 2024</u> Heard learned counsel for the petitioners and learned Government Pleader for Irrigation. Learned counsel for the petitioners submits that the respondents are proceeding with the construction of following buildings: 1. Grama Sachivalayam Buildings, 2. Community Hall, 3. Raithu Barosa Kendram, 4. Health Clinic, 5. Bulk Milk Center in Sy.No.27 of Government Land belonging to Water Resources Department on Rear side of the Pennar River Bank in Pottepalem village, Nellore Rural Mandal, SPSR Nellore. He further submits that in view of the settled proposition of the law no constructions to be allowed in any place of water stream, water courses, tanks and river banks which were classified as part of conservation zone. He further reiterates that the 4th respondent while issuing NOC proceedings dated 24.01.2024, categorically admitted that the proposed constructions of the buildings as stated above, coming on rear side of	

		the Penna River Bank at Pottepalem village, Nellore Rural Mandal and the terms and conditions mentioned therein are also confirming the subject construction is proposed at rear side of river bank of Penna River. As such, the subject construction cannot be allowed, in contrary to the principles laid down by the Hon'ble Apex Court and this Court. On the other hand, learned Government Pleader for Irrigation furnished written instructions on 02.02.2024 from the very same authority i.e., the 4th respondent herein, who stated that based on the report of the Deputy Executive Engineer, irrigation Sub-Division, Nellore, dated 08.01.2024 and on the request of the District Panchayat Officer, Panchayat Raj Department, SPSR Nellore, dated 23.01.2024, for construction of Government buildings, No objection certificate (NOC) was issued from this office on 23.01.2024 with specific conditions only. No objection certificate (NOC) was issued, at the site requested by the District Panchayat Officer, Panchayat Raj Department, SPSR Nellore is for construction of Government Buildings and the site is on the Rear side of the River Bank only. Therefore, in view of the above submissions, this Court is of the prima facie opinion that the proposed construction is coming upon the rear side bank of Penna River. Hence, there shall be an	
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		interim direction as prayed for. <u>W.P. No. 2543 of 2024</u> For filing counter, list the matter after three (03) weeks. <u>NV, J</u> LSP	
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