

[3206]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO
WRIT PETITION NO: 2357 OF 2023



Between:

1. Kommera Sreenivasulu, aged 56 yrs, S/O Lakshman, r/o D.No. 2-64 Akuthotapalli, Samthagram Anantapuramu District-5150032.
2. Kommera Chandrasekhar, aged 46 yrs S/o Lakshman, r/o D.No. 2-95 Akuthotapalli, Samthagram Anantapuramu District-515003
3. Kommera Pawan Kumar, aged 42 yrs S/o Lakshman, r/o D.No. 3-359 Akuthotapalli, Samthagram Anantapuramu District-515003

Petitioners

AND

1. The State of Andhra Pradesh, Water Resources Department (Minor Irrigation) Secretariat Complex, Velagapudi Amaravathi rep by its Principal Secretary
2. The Chief Engineer, Minor Irrigation, Water Resources Department Vijayawada, Andhra Pradesh
3. The Executive Engineer, Minor Irrigation, Anantapuramu
4. The District Collector, Anantapuramu District
5. The Divisional Panchayat Officer, Anantapuramu, Anantapuramu District
6. The Revenue Divisional Officer, Anantapuramu Division, Anantapuramu
7. The Tahsildar, Anantapuramu Mandal Anantapuramu District

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 a writ of mandamus declaring the action of the respondents in digging up a drain channel in petitioners land to an extent of Ac.0.95 cents each in Sy.No. 1-1C, 1-1A, 1-1B respectively of Itukulapalli Village of Anantapuramu Mandal of Anantapuramu District for diverting the rain water deviating from its existing plan and against usual course and existing channel as illegal and arbitrary and also in violation of the principles of natural justice besides violative of petitioner's rights guaranteed under Article 14, 21 and 300(A) of the Constitution of India and consequently direct the respondents to not divert the water through the petitioners land and close the said channel land

IA NO: 1 OF 2023

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 to stop the diversion of water flow through the petitioners lands in an extent of Ac.0.95 cents each in Sy.No. 1-1C, 1-1A, 1-1B respectively of Itukulapalli Village of Anantapuramu Mandal of Anantapuramu District and not making any further digging/constructions or laying of pipes and keep the water flow as per the original plan through the existing water channel, Pending disposal of WP 2357 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Harish Kumar Rasineni Advocate for the Petitioners, GP FOR IRRIGATION COMM AREA DEV for the Respondent Nos. 1 to 3 , GP FOR REVENUE for the Respondent Nos. 4, 6 & 7, GP FOR PANCHAYAT RAJ for the Respondent No.5, the Court made the following

ORDER

"The learned Government Pleader for Irrigation seeks time to obtain instructions.

Post on 14.02.2023 in 'motion list'.

In the meanwhile, the respondents shall not excavate the water channel through the land belonging to the petitioners in Sy.No.1-1C, 1-1A, 1-1B of Itukulapalli Village of Anantapuram Mandal and District. Needless to say, that the respondents shall stop all further excavation, even if excavation has commenced. This direction is for a period of one week."

Sd/- U. SRI DEVI
ASSISTANT REGISTRAR

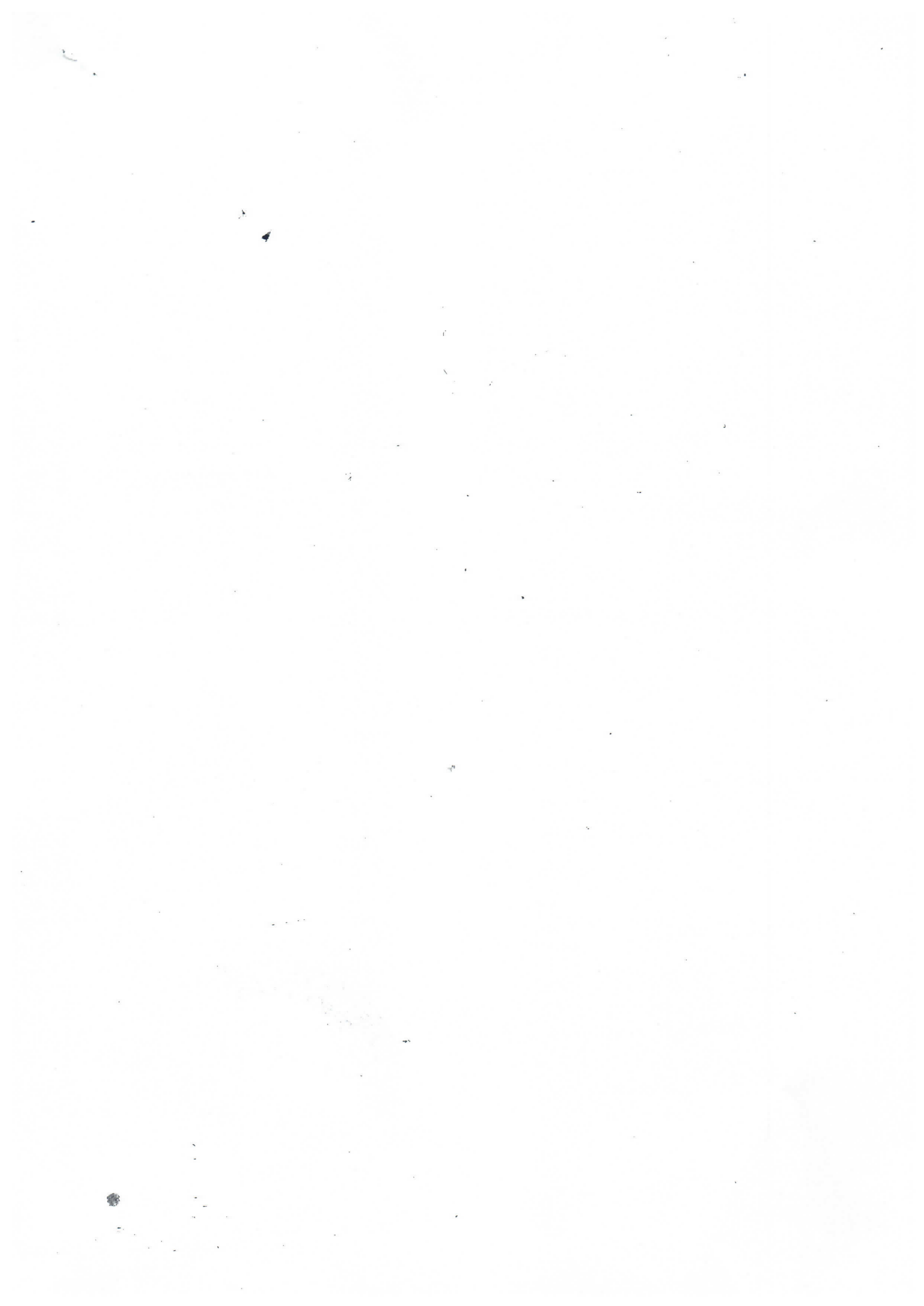
//TRUE COPY//

Fo

SECTION OFFICER

To,

1. The Principal Secretary, Water Resources Department (Minor Irrigation) Secretariat Complex, State of Andhra Pradesh, Velagapudi Amaravathi
2. The Chief Engineer, Minor Irrigation, Water Resources Department Vijayawada, Andhra Pradesh
3. The Executive Engineer, Minor Irrigation, Anantapuramu
4. The District Collector, Anantapuramu District
5. The Divisional Panchayat Officer, Anantapuramu, Anantapuramu District
6. The Revenue Divisional Officer, Anantapuramu Division, Anantapuramu
7. The Tahsildar, Anantapuramu Mandal Anantapuramu District (1 to 7 by RPAD)
8. One CC to SRI. HARISH KUMAR RASINENI Advocate [OPUC]
9. Two CCs to GP FOR IRRIGATION COMM AREA DEV, High Court Of Andhra Pradesh. [OUT]
10. Two CCs to GP FOR REVENUE, High Court Of Andhra Pradesh. [OUT]
11. Two CCs to GP FOR PANCHAYAT RAJ, High Court Of Andhra Pradesh. [OUT]
12. One spare copy



HIGH COURT

RRR,J

DATED:08/02/2023

POST ON 14.02.2023 IN 'MOTION LIST'

ORDER

WP.No.2357 of 2023

DIRECTION

