

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE TWENTY THIRD DAY OF APRIL

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 5046 OF 2026



Between:

1. Nalluri Venkateswara Rao, S/o Chandra Rao R/o D.No. 79-5-4/1, Prasanthi Estates, Tilak Road, Rajahmundry, East Godavari District, Andhra Pradesh. 533501
2. M/s ThermatconCerotech, Rep by its Managing Partner Nalluri Venkateswara Rao, R/o 3-122, Sampath Nagar Road, Punyakhethram Village, Bhupalapatnam Panchayat, Rajanagaram Mandal, East Godavari, Andhra

Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Irrigation Department, Secretariat, Velagapudi, Amaravati. 522238
2. The Engineer in Chief, Irrigation Department, Secretariat, Velagapudi, Amaravati. 522238
3. The Chief Engineer, Irrigation Circle, Dowleswaram, East Godavari District. 533125
4. The Superintend Engineer, Irrigation Circle, Dowleswaram, East Godavari District. 533125
5. The Executive Engineer, Irrigation Circle, Dowleswaram, East Godavari District -533125
6. The District Collector, East Godavari District Rajamahendravaram 533101.
7. Andhra Pradesh State Irrigation Development Corporation, Rep by its Managing Director, Located at Vijayawada, Andhra Pradesh 520002
8. The Superintending Engineer, APSIDC, Visakhapatnam Division, Visakhapatnam District 520003
9. Executive Engineer, APSIDC, Eluru Division, West Godavari District 534006

10.Executive Engineer, APSIDC, Dowleswaram Division, East Godavari District
533125

(R 7 to 10 are impleaded as per Court Order dt.16.03.2026 in I.A.No.2 of 2026)

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order or direction or a writ one in the nature of Writ of Mandamus declaring the inaction of the respondents more particularly Respondents 2 to 6 in not removing the borewell and motor installed in the petitioners land in R.S.No. 179/4 situated at Punyakshetram Village, Bhupalapatnam Panchayat of Rajanagaram Mandal, East Godavari District despite repeated requests and written representation dated 02-02-2026 as illegal, arbitrary, discriminatory and violative of Articles 14, 19(1) (g), 21 and 300A of the Constitution of India, and consequently direct the respondents to forthwith remove the said borewell and motor from the petitioners land.

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed 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 consider the petitioner's representation dated 02-02-2026 to remove the bore and motor situated in an extent of 50 Sq yards towards the north east of the petitioner's property within a time frame fixed by this Hon'ble Court and take appropriate steps for removal of the borewell and motor from the petitioner's land, and pass, Pending disposal of WP 5046 of 2026, 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 VENKATA NARAYANA RAO VEDULA Advocate for the Petitioner(s), GP FOR IRRRI AND CAD Advocate for the Respondent Nos.1 to 6 and the Court made the following.

ORDER

"A counter has been filed duly enclosing the Joint Inspection report which took place upon the grievance made by the petitioner vide PGRS Grievance No.EAG202602029757 dated 02.02.2026.

As could be seen from the Joint Inspection Report, it would show that the subject land is in possession of the petitioner and the subject bore well is dug in the same land and the same is being utilized actively. It further indicates

that a scientifically stable alternative site has to be identified and removal of the subject bore well without an alternative would adversely affect the farmers relying on the bore well.

It is very surprising to see as to how a bore well for public use has been dug in a private land without the consent of the land owner. The counter is otherwise and contrary to Joint Inspection Report.

The counter filed by the Executive Engineer, is very same Executive Engineer, who is a member of the Joint Inspection Committee.

Filing counters in a casual manner before the constitutional Courts should be deprecated.

In the said circumstances, this Court is inclined to direct the Principal Secretary, Irrigation, to instruct all his subordinates to be very careful and diligent in filing counters before the Courts and should take a serious view if filed casually.

Respondent No.1 appeared before this Court through virtual mode and undertook that he will instruct his subordinates to be more careful and diligent while filing counters.

In the said view of the fact, as a temporary measure, respondent officials are directed to see alternative land immediately by the next date of hearing to shift the bore well and file a report before this Court by the next date of hearing.

Post on 15.06.2026.

Registry is directed to delete the matter from the caption 'for appearance'."

//TRUE COPY//

SD/- M.SRINIVAS
ASSISTANT REGISTRAR
MB
SECTION OFFICER

For /

To,

1. The Principal Secretary, The State of Andhra Pradesh, Irrigation Department, Secretariat, Velagapudi, Amaravati - 522238
2. The Engineer in Chief, Irrigation Department, Secretariat, Velagapudi, Amaravati, 522238

3. The Chief Engineer, Irrigation Circle, Dowleswaram, East Godavari District.
533125
4. The Superintend Engineer, Irrigation Circle, Dowleswaram, East Godavari District. 533125
5. The Executive Engineer, Irrigation Circle, Dowleswaram, East Godavari District
-533125
6. The District Collector, East Godavari District Rajamahendravaram 533101.
7. Andhra Pradesh State Irrigation Development Corporation, Rep by its
Managing Director, Located at Vijayawada, Andhra Pradesh 520002
8. The Superintending Engineer, APSIDC, Visakhapatnam Division,
Visakhapatnam District 520003
9. The Executive Engineer, APSIDC, Eluru Division, West Godavari District
534006

- 10 The Executive Engineer, APSIDC, Dowleswaram Division, East Godavari
District 533125 (by RPAD 1 to 10)
10. One CC to SRI. VENKATA NARAYANA RAO VEDULA Advocate
[OPUC]

11. Two CCs to GP FOR IRRI AND CAD ,High Court Of Andhra Pradesh.
[OUT]
12. One spare copy

TVSR

HIGH COURT

RC,J

DATED: 23/04/2026

POST ON 15.06.2026.



ORDER

WP.No.5046 of 2026



DIRECTION