

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE 5th DAY OF AUGUST 2026

:PRESENT:

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 8591 OF 2024



Between:

1. Kayala Srinivasarao, S/o. Bapanna, Aged about 55 years, Occ Agriculture, R/o. Main Road Muthyalapalli Village, Mogalthur Mandal, West Godavari District, Andhra Pradesh.
2. Donga Eswar Rao, S/o. Nelabaludu, Aged about 40 years, Occ Agriculture, R/o. Main Road Muthyalapalli Village, Mogalthur Mandal, West Godavari District, Andhra Pradesh.

Petitioner/s

AND

1. The State of Andhra Pradesh, rep.by Principal Secretary, Water Resource Department, Secreteriat buildings, at Velagapudi, Amaravati, Guntur, Andhra Pradesh.
2. The Chief Engineer, Godavari Delta System, Dowleswaram, East Godavari District.
3. The District Collector, West Godavari District at Bhimavaram, West Godavari.
4. The Revenue Divisional Officer/Sub Collector, Narasapuram Sub Division, Narasapuram, West Godavari District.
5. The Executive Engineer, Drainage Division, Water Resource Department, Bhimavaram, West Godavari District.
6. The Divisional Executive Engineer, Drainage Division, Water Resource Department, Palakol, West Godavari District.
7. The Tahsildar, Mogalthuru Village and Mandal, West Godavari District.

Respondent/s

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 a writ order or direction, more particularly one in the nature of writ of Mandamus, the acts, deeds, and things of the Respondents in not taking any action preventing the closing of the Gonteru drain (Upputeru) from the encroachments and digging, fish and prawn tanks within the bed area of the above drainage canal in between Mutyalapalli and Varathippa Pancyhayat areas (Mutyalapalli Revenue area), is illegal, arbitrai, unreasonable and also violation of the Public Trust Doctrine, Inter-Generational Equity and also violation of article 14, 19, 21 and 300-A of the Constitution of India and consequently direct the Respondents 1 to 7 to take necessary action for protection of the Gonteru Drain (Upputeru) from encroachments i.e. digging Prawn and fish tanks in the bed area.

IA NO: 1 OF 2024

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 Respondent No.1 to 7 to prevent the illegal digging of prawn and fish tanks in the drainage bed area of Gonteru Drain (Upputeru) in between Mutyalapalli-Varathippa panchayats (Mutyalapalli Revenue Village) and from encroachments, Pending disposal of WP 8591 of 2024, 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 DASARI S V V S V PRASAD Advocate for the Petitioners, and of GP FOR IRRIGATION for the Respondent Nos.1, 2, 5 & 6, and of GP FOR REVENUE for Respondent Nos.3, 4 & 7, and the Court made the following

ORDER:

“The above writ petition was filed to declare the inaction of the official respondents in taking steps vis-à-vis encroachments made at Gonteru drain (Upputeru) and cultivation of fish and prawn culture within the bed area, as illegal and arbitrary.

2. The District Collector filed a report on 31.01.2026. At page 5 of the report, the District Collector, West Godavari District observed as under:

Though physical possession of the land was handover to the Deputy Executive Engineer, Drainage Division, Palakoolu, the tanks were not demolished as per the request made by the encroachers, as fish crop exists and it will be ready for harvesting by the end of May 2026. If the tanks were demolished at this stage, they will get irreparable financial loss as they invested huge amounts. They will have no objection for demolition of the tanks soon after harvesting their crop and they have given consent in this regard through a joint statement.

After harvesting of fish crop by the encroachers, the subject tanks will be get demolished and they will be utilized by the Executive Engineer, Drainage Division, Bhimavzram, as slurry tanks while dredging of the drain.

3. Thereafter, Tahsildar, Mogalturu Village and Mandal, respondent No.7 filed a counter affidavit on 28.07.2026. In the counter affidavit, it was contended, inter alia, that respondent No.7, along with the Station House Officer, Mogaltur, the Assistant Engineer of the Drainage Department and the Fisheries Development Officer, Mogaltur Mandal, visited the site on 16.06.2026, to demolish the encroachments. However local villagers obstructed the proposed demolition and organized a protest against the demolition of the encroached fish tanks on Upputeru Canal.

4. In the counter, it was further contended that the encroachers submitted a representation on the same day, stating that the fish crop has not attained the desired size to sell in market and it may take six to eight months for the fish crop to grow. The encroachers further stated in the representation that if the encroachments are demolished at the said stage, they will be put to irreparable loss. Hence, requested time till the fish crop grows to the required size.

5. Respondent No.7 further stated in the counter that the Fisheries Development Officer, Mogaltur Mandal has inspected the fish tanks and submitted a report on 16.06.2026, stating that the fish crop consists of Sea Bass (Lates Calcarifer) having an average body weight of

approximately 100 grams and further stated that the present crop requires about six to eight months to grow from the present stage to marketable harvesting size. Hence, certified that the existing fish crop has not yet attained harvestable size and immediate demolition of the fish tanks at this stage would result in substantial loss of the standing crop and financial hardship to the cultivators.

6. It is very unfortunate that in the counter filed by respondent No.7, no reference was made to the report filed by the learned District Collector, on 31.01.2026.

7. At the cost of repetition, as seen from the report of the learned District Collector, West Godavari, the crop will be ready for harvesting by the end of May, 2026. However, as seen from the counter affidavit of respondent No.7, filed on 28.07.2026, a further time of six to eight months is required for the crop to attain the marketable harvesting time.

8. In view of the counter filed by respondent No.7, this Court deems it appropriate to call upon the learned District Collector, West Godavari, respondent No.3 to assist the Court vis-à-vis demolishing the subject encroachments.

9. Accordingly the learned District Collector, West Godavari, shall appear either personally or through virtual mode, on the next date of hearing and assist the Court, as stated supra.

10. Post on 12.08.2026, under the caption 'for orders'.

11. Learned Assistant Government Pleader for Revenue, shall communicate about this order to the District Collector, West Godavari District, immediately."

//TRUE COPY//

SD/- U.SRIDEVI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The District Collector, West Godavari District at Bhimavaram, West Godavari. (APPEARANCE either personally or through virtual mode -SPEED POST)
2. One CC to SRI. DASARI S V V S V PRASAD, Advocate [OPUC]

3. Two CCs to GP FOR IRRIGATION, High Court of Andhra Pradesh. [OUT]
4. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT]
5. One spare copy

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HIGH COURT

SRS,J

DATED:05/08/2026

POST ON 12.08.2026, UNDER THE CAPTION 'FOR ORDERS'

ORDER

WP.No.8591 of 2024

DIRECTION

