

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
TUESDAY, THE TENTH DAY OF FEBRUARY TWO THOUSAND AND
TWENTY SIX



:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

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.

...Petitioners

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, Mogalturu Village and Mandal, West Godavari District.

...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 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: 2 OF 2024

Petition under Rule 12 Sub Rule (ii) of Writ Rules r/w. 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 grant leave to the Petitioner herein / Respondent No.7 in the WP.No.8591 of 2024 to file counter affidavit in the above writ petition, Pending disposal of WP 8591 of 2024, on the file of the High Court.

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, GP FOR

IRRIGATION COMM AREA DEV for Respondent Nos.1, R2, R5 and R6, GP for Revenue Department for R3, R4 and R7 and the Court made the following.
ORDER:

The District Collector appeared virtually and her appearance is dispensed with. ✓

The learned Assistant Government Pleader basing on the report of the Collector, West Godavari District, submitted that the authorities have already invoked the provisions of the Land Encroachment Act and passed orders and symbolic possession also was given to the concerned Deputy Executive Engineer, Drainage Division. However, the tanks were not demolished on 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 and they invested huge amounts and that 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. ✓

In view of the above, since the authorities will have to demolish the tanks soon after harvesting the crop in May, 2026, list the matter on 19.06.2026.

//TRUE COPY//

SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Water Resource Department, Secreteriat buildings, at Velagapudi, Amaravati, Guntur, Andhra Pradesh. (by **Special Messenger**)
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, Mogalturu Village and Mandal, West Godavari District.
(addressee 2 to 7 by RPAD)
8. One CC to SRI. DASARI S V V S V PRASAD 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 Department, High Court of Andhra Pradesh. [OUT]
11. One spare copy.

HIGH COURT

RC,J

DATED:10/02/2026

LIST THE MATTER ON 19.06.2026

ORDER

WP.No.8591 of 2024

DIRECTION

