



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3329]

THURSDAY ,THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 6872/2025

Between:

N Venkateswarlu

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.T JANARDHAN RAO

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following ORDER:

This writ petition is filed under Article 226 of the Constitution
of the India seeking the following reliefs:-

“to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the inaction of the respondents 3 and 4 though the 2nd respondent directed them to conduct joint inspection and take action as per Rules vide endorsement in letter dated 18.12.2024 which is submitted by petitioner with regard to high handed acts of persons as mentioned in his letter inspite of lapse of 2 ½ months is illegal arbitrary and consequently direct the respondents 3, 4 to implement the instructions of respondent and restore the Kaluja Canala as usual in the interest of justice *and pass such other order.*

2. Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents.

3. The learned counsel for the petitioner submits that the petitioner and his family members have been in possession and enjoyment of DKT patta land. He further submits that adjacent to the petitioner's land in Sy. Nos. 95/1, 95/2, 96/2, and 97/3, the Kaluja Canal is situated, with a distance of about six feet between the canal and the petitioner's land. However, some individuals, without any legal right, have entered the petitioner's land, reduced the bund from its original width to 1½ feet, and closed the tooms (water outlets) of the Kaluja Kalava. As a result, there is a small gap between the petitioner's land and the canal, causing water to overflow and flood the petitioner's land, thereby prevented the cultivation. In Sy. No. 96/2, the said individuals have excavated a 4-foot-wide channel, encroaching about 6 feet into the petitioner's land. Due to this excavation and unauthorized channel construction in and around the petitioner's land, water is continuously flowing into it, causing damage. The petitioner made a representation dated 18.12.2024 to the 2nd respondent, requesting for conducting survey in respect of the subject land. Acting upon this, the 2nd respondent directed the 3rd respondent to consider the petitioner's representation. However, despite the directions of the 2nd respondent, the 3rd respondent has neither considered the representation nor replied. Hence, the writ petition.

5. The learned Assistant Government Pleader for Revenue appearing for the respondents furnished written instructions dated 19.03.2025 issued by the 3rd respondent wherein it is stated as follows:-

“(i) On some occasions if there is heavy rain, the channel will be full and on such occasion the excess water will enter into the DKT patta land in Sy.No.96/2 of DKT patta.

(ii) The said land is belongs to Sri N.Muniramireddy, S/o late Munirathnam reddy. He has filed statement that on seldom occasions of heavy rains the water enters into the land, but there is no much damage for the land.

(iii) Moreover the DKT pattadar has also consented that the waterflow is for public purpose and it is not regular hence in the interest of public ha has no objection for free flow of water”.

6. Having regard to the submissions made by the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue appearing for the respondents, and on perusal of the material available on record, this Court is of the considered view that the present writ petition can be disposed of by directing respondent Nos. 3 and 4 to consider the petitioner's application dated 18.12.2024. After such consideration, the 2nd respondent is directed to pass appropriate orders, after providing an opportunity of hearing to the petitioner and other stakeholders if any, within a period of two (02) months from the date of receipt of a copy of this order. In the meantime, the respondents are directed not to interfere with

the peaceful possession and enjoyment of the property, without following due process of law.

7. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel miscellaneous application, pending, if any, shall also stand closed.

VENKATESWARLU NIMMAGADDA, J

20.03.2025

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HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**WRIT PETITION NO: 6872 of 2025**

20.03.2025

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