

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.12366 OF 2024

V.Balaramaraju, S/o Jogi Raju, Aged 65 years, R/o
Doddipatla Village, Kaikaluru Mandal, Eluru District.

... Petitioner

Versus

The State of Andhra Pradesh, rep. by its Principal
Secretary, Revenue Department, Secretariat,
Amaravati and six others.

... Respondents

Counsel for the petitioner : Sri B.Manoj Kumar

Counsel for respondents : GP for Revenue

:: ORDER ::

The above writ petition is filed to declare the action of the respondents in not initiating any action on the respondents 5 to 7 for closing the water channel to the petitioner's fish tank, as illegal and arbitrary.

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue appearing for respondents 1 to 4. Notice, against the respondents 5 to 7 is dispensed with since no adverse order is passed affecting their rights and interests.

3. Learned counsel for the petitioner would submit that the petitioner is the owner of the land of an extent of Ac.0-57 cents in Sy.No.112 of Doddipatla village, Kaikaluru Mandal of Krishna District (presently Eluru District). The petitioner has been cultivating the land by getting water through a water channel. The respondents 5 to 7 neighboring land owners of land in Sy.Nos.32 and 111, closed the water channel. Despite the complaint, neither 3rd respondent nor the 4th respondent initiated any action. Hence, the writ petition.

4. Learned Assistant Government Pleader for Revenue, on instructions of the Tahsildar, Kaikaluru dated 19.06.2024 would submit that there is a water channel abutting to the land of the petitioner on the Western side of the fish tank passes through the land situated in Sy.Nos.32 and 111. There is no Government water channel as per revenue records. The water channel was formed by the farmers' themselves. On field verification, there is no agricultural land in the surrounding area of the petitioner's land. The Government water channel was situated in RS.No.115 and the same was classified as "Murugu Kaluva".

5. Thus, as seen from the instructions of the Tahsildar, Kaikaluru, there is no dispute regarding the existence of the land of

the petitioners and the unofficial respondents 5 to 7. However, the water channel claimed by the petitioner is a private channel formed by the farmers. If the unofficial respondents 5 to 7 allegedly closed the channel, the petitioner has to invoke the jurisdiction of a competent civil Court for his redressal. *Prima facie*, this court believes that the claim in the writ petition shall not be granted at this juncture.

6. At this juncture learned counsel for the petitioner would seek liberty be granted to the petitioner to approach competent civil Court.

7. Keeping in view the submission of learned counsel for the petitioner, without going into other disputed facts of the case, the Writ Petition is disposed of at the admission stage with the consent of both the counsels giving liberty to the petitioner to approach the appropriate forum for redressal. No order as to costs.

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

Date: 20.06.2024
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SUBBA REDDY SATTI, J

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