

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.16805 of 2022

ORDER:

Heard learned counsel for the petitioners, learned Assistant Government Pleader for Irrigation appearing for respondent Nos.1 and 5 to 8, learned Assistant Government Pleader for Revenue appearing for respondent Nos.2 and 3 and Sri I.Koti Reddy, learned Standing Counsel for Gram Panchayat appearing for respondent No.4.

The present writ petition is filed aggrieved by the action of the official respondents in not taking any action upon the representation dated 30.03.2022 submitted by the petitioners for removing the encroachments made by the unofficial respondents on the Government land (Cheruvu) situated in Survey No.137/1 of Dumpagadapa Village, Akiveedu Mandal, West Godavari District.

Learned counsel for the petitioners submits that the petitioners are the residents and possessed agricultural lands abutting to the lands in Survey No.137/1 of Dumpagadapa Village. The said lands were inherited by them through their ancestors. In view of the encroachments made by the unofficial respondents, the petitioners are restrained from their ingress and egress to their fields with R and B road. Therefore, they submitted a detailed representation dated 29.03.2022 to respondent Nos.2, 3 and 5 to 8, which was received by them on 30.03.2022, seeking removal of encroachments. Later, they were replied by the Department of Irrigation that the alleged tank, which was under encroachments, is a minor tank and vested with the Gram Panchayat and since it was not notified as irrigation tank, respondent Nos.5 to 8 are no way concerned for any action as requested by the petitioners. As

such since the subject tank is vested with the Gram Panchayat and any encroachments within the limits of Gram Panchayat, the Gram Panchayat is the authority to initiate appropriate decision. Therefore, he pleaded that respondent Nos.2 to 4 may be directed to consider the representation of the petitioners dated 29.03.2022, which was received by them on 30.03.2022, and take appropriate action for removal of the encroachments.

On the other hand, learned Assistant Government Pleader for Revenue appearing for respondent Nos.2 and 3 and learned Standing Counsel for Gram Panchayat appearing for respondent No.4 agreed for consideration of the representation of the petitioners dated 29.03.2022 and pass appropriate orders.

Having regard to the contentions made by learned counsels for both parties, this Court is of the considered view that it is appropriate to direct respondent Nos.2 to 4 to consider the representation of the petitioners dated 29.03.2022, which was received by them on 30.03.2022, and pass appropriate orders, after giving an opportunity of hearing to all the persons concerned, within a period of three (3) months from the date of receipt of a copy of this order and communicate the same to the petitioners.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VENKATESWARLU NIMMAGADDA, J

Date: 05.07.2022
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Dated: 05.07.2022

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