

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

MAIN CASE No.W.P.No.35925 of 2022

PROCEEDING SHEET

Sl. No	DATE	ORDER	Office Note
3	21.11.2022	<p><u>RRR, J</u></p> <p>Notice before admission.</p> <p>Learned counsel for the petitioners is permitted to take out personal notice to respondent No.7 by RPAD and file proof of service by the next date of hearing.</p> <p>The complaint in the writ petition is that the poramboke land situated along the K.C. Canal in Sy.Nos.738 and 739 of Palempalli Village, Kadapa Mandal are sought to be leased out, for a period of 30 years, and the same would result in blockage of flow of water in the K.C Canal.</p> <p>The petitioner, who is an agriculturist in the area had approached this Court with the above compliant on the ground that the flow of water to his lands would be affected.</p> <p>The learned Government Pleader for Irrigation, on instructions, submits that the land is being leased out only for setting up temporary structures and there would be no affect on the movement of water and the apprehensions of the petitioners are misplaced.</p> <p>The learned Government Pleader would also submit that the existing encroachments have been removed and there is every danger of the buffer land being encroached again. In such</p>	

		<p>circumstances, the authorities have deemed it appropriate to lease out the land as a measure of protection against other encroachments.</p> <p>The boundaries along canal are left for the purpose of ensuring free flow of water and for using the said land as a buffer between the developed areas and the actual canal.</p> <p>In the circumstances, this Court is of the opinion that leasing out the land adjoining a canal for setting up structures, even if they are temporary would definitely damage and affect the canal as well as the movement of water in the canal.</p> <p>The Hon'ble Supreme Court, in various Judgments, has taken the view, including Hinchlal Tiwari vs Kamala Devi and Ors., reported in (2001) 6 SCC 496. It is the bounden duty of the State to ensure that the land kept aside for water bodies are not used for any other purpose.</p> <p>In the circumstances, this Court is of the opinion that such leasing out of a land is detrimental to the environment and to the irrigation facilities of the canal.</p> <p>Accordingly, there shall be interim stay as prayed for.</p> <p style="text-align: right;"> RRR, J RJS </p>	
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