

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION No.1645 of 2023

ORDER:

The petitioners are residents of Annaparru Village, Pedanandipadu Mandal, Guntur District.

2. A water stream known as Nakka Vagu is said to be flowing besides the village. A proposal has now been made by the Irrigation Department to construct a water canal known as Guntur Channel. This water channel is to pass at a distance of 500 yards from the houses in the village. This water channel would also be intersecting the Nakka Vagu.

3. The petitioners object to the construction of the excavation of the Guntur Channel on the ground that the Nakka Vagu itself is prone to over-flowing due to heavy rain and the intersection of this vagu by the Guntur Chanel at a distance of 500 yards from the houses of the village would cause immense problems and flooding of the houses in the village. The petitioners sought to put forth their objections by a representation dated 26.12.2022 given to the 2nd respondent and other respondents. Thereafter, no further information was obtained by the petitioners.

4. Aggrieved by the inaction of the respondents in considering their objections, the petitioners have now approached this Court by way of the present Writ Petition.

5. The learned Government Pleader for Irrigation, submits that the alignment of the Guntur Channel was done after considering all the issues, including the danger of flooding of the houses in Annaparru Village. She would further submit that the required land, in accordance with the proposed alignment, has also been acquired in 2021 itself.

6. While this Court would not seek to substitute the judgment and discretion of the concerned officer of the State with its own judgment, especially in technical matters, the fact remains that the objections raised by the petitioners have not been addressed by the respondents till today.

7. In such circumstances, it would only be appropriate that this Writ Petition is allowed, directing the 3rd respondent to consider the representation of the petitioners dated 26.12.2022, which had been submitted to the 2nd respondent and pass orders thereon, within a period of six (06) weeks from the date of receipt of a copy of this order.

8. Needless to say, the petitioners shall attach the representation dated 26.12.2022 with a copy of this order and serve the same on the 3rd respondent.

9. Accordingly, the Writ Petition is allowed. There shall be no order as to costs.

Miscellaneous petitions, pending if any, in these Writ Petitions shall stand closed.

R. RAGHUNANDAN RAO, J

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