

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.19652 OF 2023

ORDER:

This Writ Petition has been filed by the petitioner invoking the jurisdiction of this Court under Article 226 of the Constitution of India for the following relief:

".....pleased to issue an appropriate Writ, order or direction more particularly a writ in the nature of Mandamus declaring the inaction of the respondents in removing the encroachments made by the unofficial respondents herein on the tank bund of Narasapuram ayacut of Sarada River as per the proceedings of the 3rd respondent in Rc.No.246/2023/C N/dt 28.4.2023 as unjust, illegal and further direct the respondents to take appropriate action on the illegal encroachments and constructions made by the unofficial respondents on the tank bund of Narasapuram Ayacut of Sarada River in Ganaparthi villag Munagapaka Mandal of Anakapalli District and pass such other order or orders as this Hon'ble court deems fit and proper...."

2. The short grievance of the petitioner herein is that, the respondent authorities are not taking any action in removing the encroachments made by the unofficial respondents herein on the tank bund of Narasapuram ayacut of Sarada River as directed in the proceedings dated 28.04.2023 by the 3rd respondent.

3. Heard, Sri M. Bala Subramanyam, learned counsel for the petitioner and learned Assistant Government Pleader for Revenue and Sri N. Srihari, learned Standing Counsel for Gram Panchayat.

4. The learned counsel for the petitioner in elaboration to what has been stated in the affidavit contended that, in spite of bringing to the notice of the authorities concerned about the encroachments so made by the 9th and 10th respondents and despite the proceedings issued by R3 for removal of encroachment, the authorities have not acted upon to remove the encroachment made on the Narasapuram ayacut of Sarada River, as such, the present Writ Petition is filed and prayed to pass appropriate orders in that regard.

5. On the other hand, learned Standing Counsel, submitted that, the Revenue authorities have already set law in motion and they are taking steps, as such, there is nothing to be adjudicated in the present Writ Petition.

6. Similarly, learned Assistant Government Pleader on written instructions dated 02.08.2023, submitted that, the Thasildar has already instructed the encroachers to remove the encroachments and if they fail to remove, the authorities are ready to take steps by invoking AP land encroachment act and the encroachments will be cleared of as

per the procedure laid down in the act. The said written instructions are placed on record and has drawn the attention of this Court to the same.

7. In reply, learned counsel for the petitioner, submitted that, recording the written instructions so placed on record the Writ Petition can be disposed of.

8. As no positive direction has been given in the present Writ Petition this Court feels it unnecessary to order notice to respondent Nos. 9 & 10.

9. Taking their submissions into consideration, with the consent of the learned counsel for the parties, as there is no purpose in keeping pending the Writ Petition, this Court is inclined to dispose of the Writ Petition with the following direction:

“The respondents concerned are directed to take steps against the encroachments so made on the Narasapuram ayacut of Sarada River by giving proper show cause notice to all the encroachers and by providing an opportunity of personal hearing and pass a reasoned order and communicate the same to the concerned parties in accordance with law, within a period of two (02) months from the date of receipt of this order”.

10. Accordingly, the Writ Petition is **disposed of**.

There shall be no order as to costs.

Miscellaneous Applications, pending if any, shall stand closed.

18th August, 2023.
DSB

JUSTICE RAVI CHEEMALAPATI