



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3332]

**TUESDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 8460/2023

Between:

1.VADDE VENKATESWARLU NAIDU, S/O. SREERAMULU
NAIDU, AGED ABOUT 59 YEARS, R/O. DAGADARTHI
VILLAGE AND MANDAL, SPSR NELLORE DISTRICT.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, IRRIGATION
DEPARTMENT, SECRETARIAT, VELAGAPUDI,
AMARAVATHI, GUNTUR DISTRICT. REP. BY ITS
PRINCIPAL SECRETARY.

2.THE DISTRICT COLLECTOR, SPSR NELLORE
DISTRICT, ANDHRA PRADESH.

3.THE SUPERINTENDENT ENGINEER, IRRIGATION
CIRCLE NELLORE, SPSR NELLORE DISTRICT.

4.ASSISTANT EXECUTIVE ENGINEER, IRRIGATION
DEPARTMENT, BUCHIREDDIPALEM MANDAL, SPSR
NELLORE DISTRICT.

5.THE THASILDAR, DAGADARTHI MANDAL, SPSR

NELLORE DISTRICT.

6.SAKAMURI SRINIVASULU, S/O. SRIHARI NAIDU, AGED ABOUT 45 YEARS, R/O. DAGADARTHIVILLAGE AND MANDAL, SPSR NELLORE DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased to issue any writ, order, or direction more particularly one in the nature of writ of mandamus declaring the inaction of the respondents in taking action on the illegal excavation of Kaluju Vaagu bunds in Sy.Nos. 401 and 402 situated at Dagadarthi Village and Mandal, SPSR Nellore District by the 6th respondent as illegal arbitrary and consequently direct the respondents to protect the land in Sy.Nos.401 and 402 which is classified as 'Stream (Vaagu)' from encroachments and pass

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to direct the respondents to take action on the illegal excavation of Kaluju Vaagu bunds in Sy.Nos. 401 and 402 situated at Dagadarthi Village and Mandal, SPSR Nellore District by the 6th responder pending disposal of the writ petition and to pass

Counsel for the Petitioner:

1.C SUBODH

Counsel for the Respondent(S):

1.GP FOR FINANCE PLANNING

2.GP FOR REVENUE

3.GP FOR IRRIGATION COMM AREA DEV

The Court made the following ORDER:

To declare the action of the respondents in not taking action against the 6th respondent's illegal excavation of Kaluju Vaagu bunds in Sy.Nos.401 and 402 Situated at Dagadarthi Village and Mandal, SPSR Nellore District, to be illegal and arbitrary, the present writ petition is filed.

2. Heard Sri C. Subodh, learned counsel for the petitioner and learned Government Pleader for Revenue.

3. Learned counsel for the petitioner, while reiterating the contents of the affidavit, submitted that the petitioner is having agricultural land to an extent of Ac.5.63 cents in Sy.Nos.107-1, 107-2 and 108, situated at Dagadarthi Village and Mandal, SPSR Nellore District. Adjacent to the subject land, there exists a Kaluju Vaagu bunds in Sy.Nos.401 & 402. He further submitted that when the 6th respondent started excavating the said Vaagu bund, selling the earth to the contractors and trying to occupy the land, the petitioner made a representation to the 5th respondent-Tahsildar bringing to his notice the illegal excavation being carried out by the 6th respondent. However, no orders have been passed thereon and no action has been initiated against the

6th respondent's illegal excavation. If such illegal excavation is allowed to continue, the petitioner will be put to great loss, as the petitioner's agricultural land is adjacent to the said Vaagu. As such, prayed to pass appropriate orders protecting the interest of the petitioner.

4. Learned Government Pleader for Revenue, on Written instructions dated 22.01.2026, contended that the 5th respondent, considering the petitioner's representation, had stopped the illegal excavation being carried out by the 6th respondent. Now, no excavation has been taking place. As such, prayed to dismiss the writ petition.

5. In reply, learned counsel for the petitioner requested to record the submissions of learned Government Pleader and prayed to close the writ petition.

6. The main grievance of the petitioner is that despite the submission of representation bringing to the notice of the authorities about the illegal excavation being carried out by the 6th respondent, the respondent authorities have not initiated any action in accordance with law. The learned Government Pleader submitted that the authorities have considered the petitioner's

representation and initiated the action against the illegal excavation and no excavation is taking place and it is stopped.

7. Considering the submissions and as the authorities have already set the law into motion and the excavation now has been stopped, there remains nothing for further adjudication and the writ petition is liable to be closed.

8 Accordingly, the Writ Petition is ***closed***. There shall be no order as to costs.

As a sequel thereto, interlocutory applications pending, if any in the Writ Petition, shall also stand closed.

JUSTICE RAVI CHEEMALAPATI

Date: 27.01.2026
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THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

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