

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.15069 of 2004

Between:

Donkireddy Govinda Reddy, S/o Donti Koti Reddy,
R/o Bhavanamvari Palem, Pittalavaripalem Mandal,
Guntur District.

..... PETITIONER

AND

- 1 The Revenue Divisional Officer, Tenali, Guntur District.
- 2 The Mandal Revenue Officer, Pittalavanipalem Mandal, Guntur District.
- 3 The Assistant Engineer (Irrigation), Jagarlamudi, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the action of the 1st respondent in not completing the enquiry pursuant to the notice issued in Rc.No. 667/03/H, dated 3-6-2003 even though the 3rd respondent has submitted its reports in Lr.No. 42J dated 29-8-2003 as illegal arbitrary and consequently direct the 1st respondent to complete the enquiry and take necessary action for removal of encroachment of canal.

Counsel for the Petitioner: Mr.O.MANOHER REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORAL ORDER: (Per THE HON'BLE THE CHIEF JUSTICE)

Petitioner has sought to declare the action of 1st respondent in not completing the enquiry pursuant to notice dated 3-6-2003 even though, as per the petitioner, 3rd respondent has submitted his report dated 29-8-2003. On 2-9-2004 when this case came up for consideration, it was pointed out that enquiry has been completed, but, so far, further action has not yet been taken by 1st respondent.

On 3-6-2003, 1st respondent had issued notice for conducting enquiry on 16-6-2003 in connection with a representation of the ryots of Bhavanamvaripalem village, P.V.Palem Mandal against the alleged encroachment of canal by Sri Phani Bhushanachari of Bhavanamvaripalem.

In case enquiry has been completed by the Revenue Divisional Officer, Tenali, there is no reason why he will not proceed in accordance with law and pass appropriate orders. Since no counter affidavit has been filed by 1st respondent, we proceed to direct 1st respondent to complete the enquiry in accordance with law and pass appropriate orders thereupon as deem fit and proper, within a period of two months from the date of receipt of a copy of this order.

Accordingly, this writ petition is disposed of. No costs.

(DEVINDER GUPTA, CJ)

30th September,2004

(C.V. RAMULU,J)

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Revenue Divisional Officer, Tenali, Guntur District.
- 2 The Mandal Revenue Officer, Pittalavanipalem Mandal, Guntur District.
- 3 The Assistant Engineer (Irrigation), Jagarlamudi, Guntur District.
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