

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE L. NARASIMHA REDDY**

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WRIT PETITION NO : 756 of 2005

Between:

Harijan Field Labour Co-Operative Society, No.C-730, Samalakota,  
E.G.District, represented by its President, Ballapu Chinna Babu, S/o. Surya Rao, 50  
Years, R/o. Sahebpeta, Samalkota, E.G.district.

..... PETITIONER

AND

- 1 The Govt., of A.P., represented by Secretary, Irrigation Department,  
Secretariat, Hyderabad.
- 2 The District Collector, East Godavari District, Kakinada, Chairman, Summer  
Storage Reservoir, Samalakota.
- 3 The Executive Engineer, G.E.Division, Dhawleswaram, E.G.District.
- 4 The Assistant Engineer, G.E.Division, Irrigation Section, Kakinada,  
East Godavari District.
- 5 The Executive Engineer, Public Health Department Rajamundry.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the  
circumstances stated in the Affidavit filed herein the High Court will be pleased to  
Issue a writ of Mandamus or any other appropriate writ, order or directions declaring  
the action of the respondent in not renewing the lease in favour of the petitioner  
society is illegal arbitrary, void, unjust and opposed to Articles 14, 16 and 18 of the  
constitution of India and consequently direct the respondents 2 to 5 to renew the  
lease in favour of the petitioner society in the interest of justice.

Counsel for the Petitioner: MR.M.RAVINDRA BABU

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

**The Court at the admission stage made the following :**

**ORDER:**

The petitioner is a Field Labour Cooperative Society. It claims to have been granted the lease to cut the grass on the floor of the summer storage tank, Samalakota and that the same was being renewed from year to year. When it made a representation to the authorities of the Irrigation Department, the Executive Engineer, G.E. Division, Dhawleswaram, the third respondent herein, addressed a letter dated 09-12-2004 stating that the tank has since been brought under the control of the Public Health Department and that the petitioner may approach the fifth respondent herein. The petitioner states that it made a representation on 07-01-2005 to the fifth respondent for renewal of the lease and complaints that no action has been taken thereon and seeks necessary directions.

Heard learned counsel for the petitioner and learned Government Pleader for Irrigation.

From a perusal of the letter dated 09-12-2004 addressed by the third respondent to the petitioner, it is evident that the summer storage tank at Samalkota has since been handedover to the Public Health Department, the fifth respondent is said to be the in-charge of the same. Thereafter, the petitioner submitted a representation dated 07-01-2005 to the fifth respondent.

The question as to whether the fifth respondent intends to grant the lease for cutting the grass and if so, the mode therefor, are not present before this Court. The very activity undertaken by the petitioner is seasonal in nature. Unless a decision is taken in this regard at the earliest, the very application may become infructuous.

Hence, the writ petition is disposed of directing the fifth respondent to pass appropriate orders on the representation dated 07-01-2005 filed by the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs.

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**(L. NARASIMHA REDDY, J)**

Date: 31-01-2005

ghn/pan

To

- 1 The Secretary, Govt., of A.P., Irrigation Department, Secretariat, Hyderabad.
- 2 The District Collector, East Godavari District, Kakinada, Chairman, Summer Storage Reservoir, Samalakota.
- 3 The Executive Engineer, G.E.Division, Dhawleswaram, E.G.District.
- 4 The Assistant Engineer, G.E.Division, Irrigation Section, Kakinada, East Godavari District.
- 5 The Executive Engineer, Public Health Department Rajamundry.

6 Two CCs to the Government Pleader for Irrigation and Command Area Development, High Court Buildings, Hyderabad.(O.U.T.)

7 Two CD copies.