

**THE HON'BLE MR JUSTICE ELIPE DHARMA RAO**

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**WRIT PETITION NO : 16351 of 2005**

FRIDAY, THE TWENTY NINTH DAY OF JULY  
TWO THOUSAND AND FIVE

Between:

Lasminagaram Tank Water Users Association Rep.by its Chairman Kurva  
Sreenu,S/o.Kuruva Ramanjaneyulu  
R/o. Laxminagaram Veldurthi Mandal, Kurnool District.

**..... PETITIONER**

AND

1 Government of A.P Rep.by its Principal Secretary, Dept., of Irrigation and  
Command Area Development Secretariat Buildings, Hyderabad.  
And others.

**.....RESPONDENTS**

**THE HON'BLE MR JUSTICE ELIPE DHARMA RAO**

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**ORDER:**

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The petitioner herein is the Water Users Association of Laxminagaram Water Tank (L.Banda Tank) situated at Veldurthi Mandal, Kurnool District, represented by its Chairman. The said L.Banda Tank is situated with an Ayacut of about Ac.150.00. While so the respondents invited tenders for award of work of maintenance/improvement to the canals of L.Banda Tank worth of Rs.4,25,000/-. It is stated that the 3<sup>rd</sup> respondent-Superintending Engineer, Irrigation Circle, Kurnool, cancelled the said tenders without assigning any reason thereof. The case of the petitioner-Association is that by virtue of G.O.Ms.No.68 dated 1-06-2005 whereunder Minor Irrigation Works costing upto Rs.5,00,000/- would be taken up through Water User Groups in addition to the tendering procedure, the said work has to be granted to them, which is the sole Water User Association for that tank. In view of the same, the petitioner-Association submitted a representation to the 3<sup>rd</sup> respondent for grant of the work as per the above G.O. The grievance of the petitioner-Association is that the 3<sup>rd</sup> respondent either calling tenders or entrusting the said work to them, proposing to entrust the same to 3<sup>rd</sup> parties under political influence without following the guidelines issued in the above G.O. is illegal and arbitrary.

Heard both sides.

Learned counsel for the respondents submitted that as on date the District Level Committee has not entrusted the work to anybody and the matter is still pending for consideration before it.

I have perused the material available on record.

As seen from the G.O.Ms.No.28 I& CAD (Min.Irrgn.IV) Deptt. Dated 28-02-2005, at paragraph-3 it is clearly stated that the works costing upto Rs.5,00,000/- will be taken up through user groups in addition to the tendering procedure and the said user groups shall be identified by the District Level Committee.

I have perused the material available on record.

Having considered all the facts and circumstances of the case, and in view of the submission made by the learned counsel for the respondents, without going into the merits of the case, I am of the considered view that the ends of justice would be met if the 3<sup>rd</sup> respondent is directed to consider and dispose of the representation of the petitioner-Association in accordance with law within a period of four weeks from the date of receipt of a copy of the order keeping in view the guidelines issued in the above said G.O.

With the above direction, the writ petition is disposed of. No costs.

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29-07-2005

Mjl/\*

This writ petition is filed under article 226 of the Constitution of India seeking a Mandamus declaring the action of the respondents in not allotting the work of improvement of canals of L. Banda Tank, situated at Veldurthi Mandal, Kurnool district to the petitioner-association as per G.O.Ms.No.68 Irrigation and CAD as illegal and arbitrary.

