

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

**WRIT PETITION (PIL) No.342 of 2017**

**ORDER:** *(Per the Hon'ble Sri Justice J. Sreenivas Rao)*

This writ petition is filed as Public Interest Litigation (PIL) by the petitioner seeking the following relief:

“...to issue a writ, order or direction more particularly one in the nature of writ of mandamus to declaring the pleased to issue an order or a direction one in the nature of writ of mandamus declaring

A) the inaction of the respondents herein in not protecting the natural lakes i.e., Sambhi Cheruvu and Bandanlevu Cheruvu, Ameenpur, Sanga Reddy

B) in not preventing unauthorised occupation in Govt. land in Sy.No.427 (13 gts) and 432 (8 Gts) Ameenpur village

C) in not preventing unauthorised layouts/constructions in Sy.No.77A, 74, 77E, 78A, 79A, 80, 81, 82, 426, 428, 425 to 431, 454, 584, 582, 592, 593, 595, 598, 100 and 103 of Ameenpur village, Patancheru mandal, Sanga Reddy

D) in not taking steps against the violations of terms and conditions of the sanctioned layouts in the said area of Ameenpur, Patancheru mandal, Sanga Reddy, as illegal contrary to law, public policy and be pleased to pass orders as the court sees fit.”

2. Heard Ms.P.Sumalatha, learned counsel, representing Sri J.C.Francis, learned counsel for the petitioner, Sri Sridhar Reddy Pottigari, learned Special Government Pleader

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appearing on behalf of respondent Nos.1, 3 and 4 and Sri V.Narsimha Goud, learned standing counsel appearing on behalf of respondent No.2. No representation on behalf of respondent No.5.

3. The grievance of the petitioner is that the official respondents are not protecting the natural lakes i.e., Sambhi Cheruvu and Bandam Kommu Cheruvu of Ameenpur Village, Sanga Reddy, not preventing unauthorized occupation in Government land in Sy.No.427 to an extent of Ac.0.13 gts. and in Sy.No.432 to an extent of Ac.0.08 gts., not preventing unauthorized layouts/constructions in Sy.Nos.77A, 74, 77E, 78A, 79A, 80, 81, 82, 425 to 431, 454, 584, 582, 592, 593, 595, 598, 100 and 103 of Ameenpur Village, Patancheru Mandal, Sanga Reddy District and not taking steps against the violations of terms and conditions of the sanctioned layouts in the said area.

4. In response to the said allegations, respondent No.4 filed counter-affidavit on his behalf and on behalf of respondent No.3, wherein it is stated that Sambhi Cheruvu Shikam Talab (water body) total extent admeasuring is Ac.23.38 gts., and

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FTL map prepared and signed by the Irrigation Department shows width of (9) meters falls under buffer zone area. It is further stated that in Kasra Pahani for the year 1954-55, the land bearing survey No.381 is classified as 'Shikam Talab Sarkar' (water body) total admeasuring to an extent of Ac.7.38 gts. situated at Ameenpur Village and Mandal. One Smt.Lakshamma and her son Srinivas Reddy have filled the tank with gravel and raised the ground level to avoid the Full Tank Level (FTL) effect to their lands in Bandam Kommu Cheruvu. Immediately, the respondents have lodged a complaint and the same was registered as Crime No.224 of 2017 for offences under Section 3 of Prevention of Damage to Public Property Act, 1984 and Sections 427 and 447 of the Indian Penal Code and seized the vehicles.

5. It is further stated that the land holders of land bearing survey Nos.375/A, 375/C, 392/B, 362/B1, 362/C1, 362/C2 and 387 situated at Ameenpur are doing non-agricultural activities by laying roads without permission. Immediately, the Tahasildar, Ameenpur, has taken steps and stopped the non-agricultural activities and the Executive Engineer, IB,

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Sangareddy, had kept the No Objection Certificate, which was issued earlier in favour of B.Ashok Babu, B.Ram Babu and B.Raju in respect of the above said survey numbers, in abeyance, *vide* letter No.EE/IB/SRD/HD-1/580 dated 19.01.2018. Respondent No.4 further stated that the land in Sy.No.427 total extent of Ac.0.13 gts. is classified as Poramboke Lands (Government Lands). The Mandal Girdawar, Mandal Surveyor and Village Revenue Officer of Ameenpur village have inspected the said land and they noticed that one Feroz S/o.Ismail had encroached the said property to an extent of Ac.0.02 ½ gts. The Tahasildar, while exercising the powers under the Andhra Pradesh Land Encroachment Act, 1905, (for brevity, 'the Act') issued notice, dated 16.01.2018, under Section 7 of the Act and remaining extent of Ac.0.10 ½ gts. is under the custody of the Government.

6. It is also stated that the land covered by Sy.No.432 to an extent of Ac.0.08 gts. is concerned, it is classified as Poramboke land and said land is under the custody of the Government free from encroachment. It is further stated that

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Smt.A.Indramma and Smt.A.Parvathamma are trying to made illegal layout in respect of land to an extent of Ac.14.25 gts., in Sy.Nos.74, 77/A, 77/AA, 77/E, 78/A, 78/AA, 79/A, 79/AA, 80, 81 and 82. Immediately, he issued instructions to Panchayat Secretary, Ameenpur Gram Panchayat and Extension Officer (PR & RD), MPP, Patancheru, vide office Memo No.1416/2017/A1Pts., dated 21.09.2017, to take necessary action. Accordingly, Panchayat Secretary, Ameenpur Gram Panchayat issued notice, dated 07.07.2017, to the concerned and taken action by demolishing the basements of house constructions and stopped all the development activities and also illegal constructions in survey Nos.595, 596, 603/P, 604, 605, 608, 858/P and 914 to 939. He further stated that the Panchayath Secretary, Ameenpur Gram Panchayat, had initiated the action on the petition dated 14.09.2017 filed by Sri T.Chandra Sehkar Reddy, Advocate, R/o.Beeramguda, Ameenpur, duly stopping the unauthorized/illegal land development activities.

7. Learned counsel for the petitioner has not filed reply denying the averments made in the counter-affidavit of

respondent No.4. However, she submits that in spite of several illegalities brought to the notice of the official respondents about the encroachment made by the unauthorized persons, they have not taken any steps to protect the natural lakes and to prevent the encroachers from making illegal constructions.

8. Learned Special Government Pleader submits that the respondents have already initiated the proceedings exercising the powers conferred under the Act preventing the encroachers from making illegal constructions and also protecting Sambhi Cheruvu and Bandam Kommu Cheruvu of Ameenpur Village, Sanga Reddy. He further submits that in the event, if any encroachers occupied the subject property, the respondents will take necessary action and requested this Court to grant reasonable time.

9. In view of the averments made by respondent No.4 in the counter-affidavit and also submission made by the learned Special Government Pleader, the respondents shall ensure that no encroachments are made in the subject property. However, they are directed to protect the natural lakes i.e.,

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Sambi Cheruvu and Bandam Kommu Cheruvu and remove the encroachments, if any, made in the subject property, as per the provisions of the Act and file compliance report before the Registry, within a period of three (3) months from the date of receipt of a copy of this order.

10. With the above direction, the writ petition (PIL) is disposed of. No order as to costs.

Miscellaneous petitions, pending if any, shall stand closed.

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**ALOK ARADHE, CJ**

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**J. SREENIVAS RAO, J**

Date: 07.08.2024

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