



**HIGH COURT OF ANDHRA PRADESH**  
THURSDAY ,THE THIRTIETH DAY OF DECEMBER  
TWO THOUSAND AND TWENTY ONE

**PRESENT**

**THE HONOURABLE SRI JUSTICE AHSANUDDIN AMANULLAH**  
**THE HONOURABLE MS JUSTICE B S BHANUMATHI**  
**WRIT APPEAL NO: 916 OF 2021**

**Between:**

1. Lakkamsani Chinna Veerappa, S/o.Late Hanumappa, Aged about 72 years,
2. Lakkamsani Anjaneyulu, S/o.Govindappa, Aged about 55 years,
3. Lakkamsani Basavaraju, S/o.Venkataramanappa, Aged about 68 years,
4. Lakkamsani Anjaneyulu, S/o.Varadara- ulu, Aged about 60 years,
5. Lakkamsani Suresh, S/o.Late Peddaveerappa, Aged about 42 years, (wornlgy showr as Lakkamsani Anjaneyulu instead of Lakkamsani Suresh in the order of the writ petition)
6. Lakkamsani Umapathi, S/o.Chandrappa, Aged about 59 years, (All the petitioners are R/o.Konakondla Village, Vajrakaruru Mardal, Ananthapuram District).

**...PETITIONER(S)**

**AND:**

1. M. Anil Kumar, S/o. M. Guru Prasad, Aged about 48 years, R/o. Konakndla Village, Vajrakarur Mandal, Ananthapuram District
7. The State of Andhra Pradesh, represented by its Principal Secretary, Revenue Department, Secretariat at Amaravathi, Velagapudi, Amaravathi, Guntur District.
8. The District Collector, Ananthapuram District, At Ananthapuram.
9. The Revenue Divisional Officer, Uravakonda, Ananthapuram District.
10. The Tahsildar, Vajrakarur Mandal, Ananthapuram District.
11. Konakandla Grama Panchayat, represented by its Panchayat Secretary, Konakandla Village, Vajrakarur Mandal, Ananthapuram District.

**...RESPONDENTS**

**Counsel for the Petitioner(s): BOKKA SATYANARAYANA KAMLA**

**Counsel for the Respondents: CH LAXMI NARAYANA**

**The Court made the following: ORDER**



**HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

**HON'BLE Mr. JUSTICE AHSANUDDIN AMANULLAH  
AND  
HON'BLE Ms. JUSTICE B. S. BHANUMATHI**

**WRIT APPEAL No.916 OF 2021**

**ALONG WITH**

**I.A. NO.1 OF 2021**

1. Lakkamsani Chinna Veerappa, S/o Late Hanumappa,  
Aged 72 years,
2. Lakkamsani Anjaneyulu, S/o Govindappa, aged 55 years,
3. Lakkamsani Basavaraju, S/o Venkataramanappa,  
Aged 68 years,
4. Lakkamsani Anjaneyulu, S/o Varadarajulu, Aged 60 years,
5. Lakkamsani Suresh, S/o Late Peddaveerappa,  
Aged 42 years, (wrongly shown as Lakkamsani  
Anjaneyulu instead of Lakkamsani Suresh in  
the order of the writ petition)
6. Lakkamsani Umapathi, S/o Chandrappa, aged 59 years,  
All the petitioners are residents of Konakondla village,  
Vajrakaruru Mandal, Ananthapuram District.

... Appellants/Respondents  
no.6 to 11 in W.P.

Versus

1. M. Anil Kumar, S/o M. Guru Prasad,  
aged 48 years, R/o Kondakondla village,  
Vajrakarur Mandal, Ananthapuram District  
... Respondent/petitioner
2. The State of Andhra Pradesh, represented by its  
Principal Secretary, Revenue Department, Secretariat  
at Amaravathi, Velagapudi, Amaravathi, Guntur District
3. The District Collector, Ananthapuram District,  
at Ananthapuram.
4. The Revenue Divisional Officer, Uravakonda,  
Ananthapuram District
5. The Tahsildar, Vajrakarur Mandal, Ananthapuram District
6. Konakandla Grama Panchayat, represented by its  
Panchayat Secretary, Konakandla village,  
Vajrakarur Mandal, Ananthapuram District.

... Respondents/Respondents



Counsel for the Appellants : Mr. Bokka Satyanarayana,  
Advocate

Counsel for the respondents : Mr. Ram Mohan Kotha, Advocate  
Mr. Ch. Lakshmi Narayana,  
Advocate

Mr. Shaik Meera Vali, Advocate  
Mr. V. Vinod K. Reddy,  
Standing Counsel,  
Gram Panchayat

Mr. Rizwan Ali Shaik,  
Assistant Government Pleader,  
Revenue

**ORAL JUDGMENT**

**Date: 30.12.2021**

*(Per Hon'ble Mr. Justice Ahsanuddin Amanullah)*

Heard Mr. Bokka Satyanarayana, learned counsel for the appellants; Mr. Ram Mohan Kotha, learned counsel, representing Ch. Lakshmi Narayana, learned counsel for the respondent no.1; Mr. Rizwan Ali Shaik, learned Assistant Government Pleader, Revenue, for the respondents no.2 to 5 and Mr. Shaik Meera Vali, learned counsel, representing Mr. V. Vinod K. Reddy, learned Standing Counsel for Gram Panchayat, for the respondent no.6.

**I.A.No.1 of 2021**

2. The Interlocutory Application is filed to condone the delay of 52 days in filing the Writ Appeal against the order, dated 24.08.2021 passed in writ petition No.17804 of 2021

3. Considering the reasons stated in the affidavit filed in support of this petition and considering the submissions of the learned counsels for the parties, it is a fit matter to allow the petition.

4. Accordingly, I. A. No. 1 of 2021 is allowed.



**W.A.No.916 of 2021**

5. The appellants, who were respondents no.6 to 11 in writ petition No. 17804 of 2021, have preferred the appeal, being aggrieved by the disposal of the writ petition with a direction to the authorities to dispose of the representation, dated 17.06.2020 submitted by the respondent no.1 in accordance with law within four weeks.

6. Learned counsel for the appellants submitted that the writ petition was disposed of without issuing notice to the appellants or giving them an opportunity of hearing, though they were impleaded as respondents in the writ petition by the writ petitioner himself.

7. Learned counsel for the respondent no.1/writ petitioner submitted that though the writ petition has been filed due to non-consideration of the representation submitted by the writ petitioner on 17.06.2020, but they had restricted their prayer to the authorities closing the drinking water well and the learned Single Judge has passed an order only for considering of the representation for re-opening of such drinking water well.

8. Learned counsel for the unofficial respondents submitted that the interest of the appellants is protected by the order itself, where it has been directed that such disposal of the writ petition would be after affording opportunity to the appellants before taking any action.

9. Learned counsel for the appellants submitted that there is genuine apprehension of the matter not being properly considered by the authorities, despite the fact that the water body in question is on private land and the dispute is between the



respondent no.1/writ petitioner and the appellants, which has to be decided by the Civil Court and not by the authorities. It was submitted that even in the order of the learned Single Judge at paragraph no.5, there is a further observation that in case no action was taken for restoration of the water body in terms of order passed in writ petition No.16274 of 2021, dated 18.08.2021, the writ petitioner (respondent no.1) was at liberty to renew his request by filing application afresh. Thus, it was submitted that the authorities may go into the issue due to misrepresentation of such observation.

10. Having considered the matter, the Court does not find any occasion to interfere with the order of the learned Single Judge. The order sufficiently protects the right of the appellants, as it has been directed that any order disposing of the representation of the respondent no.1 has to be after affording opportunity of hearing to the appellants.

11. Thus, even if the appellants were before the Court before passing of the order, the same order would ultimately have been passed since the Court has not itself gone into considering the merits of the parties. However, in view of the further observation with regard to no action being taken for restoration of the water body, it is clarified that the authority concerned which is to dispose of the representation, dated 17.06.2020 submitted by the respondent no.1, shall do so strictly in accordance with the statutory provisions and the jurisdiction vested with it, including the question as to whether such issue can be decided by it, in view of serious dispute raised with regard to the land/water body in question being purely private property.



12. Accordingly, the Writ Appeal stands disposed of in the  
aforementioned terms.

13. Miscellaneous petitions, if any pending, also stand  
disposed of.

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**(AHSANUDDIN AMANULLAH,J)**

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**(B. S. BHANUMATHI,J)**

MP



MP

**HON'BLE Mr. JUSTICE AHSANUDDIN AMANULLAH  
AND  
HON'BLE Ms. JUSTICE B. S. BHANUMATHI**

**WRIT APPEAL No.916 OF 2021**

Date : 30-12-2021

MP