

Government of Andhra Pradesh
Water Resources Department

From
Sri K.Surya Prakasa Rao, M.Tech
Superintending Engineer,
Irrigation Circle,
ELURU

To
The District Collector,
West Godavari
ELURU

Lr.No.SE/IC/Elr/DB /ATO.3/F- Misc/ 2245 Dt.22-8-2019

Sir,

Sub : Water Resources Department – irrigation circle, Eluru –
Encroachments of irrigation water bodies – Detailed report
submitted – Requested for issue instructions to the
competent Authorities – Regarding

Ref : 1) Govt. Memo no:913508/WRG-GRC/2017 Dated
:3.01.2018 along with Hon'ble High court orders
Dated 23.10.2017 in WP No: 33547/2017
2) G O Ms no:188 Panchayath Raj and Rural
Development (Pts.1V) Department Dated :21.7.2011
3) DEE. Drainage sub division ,Bhimavaram Letter no:
153 m Dated :27.9.2017

It is to submit that encroachment of Govt irrigation water bodies is a
big burning problem in the district and removal of such encroachment is a
critical task.

However this department is taking several steps to evict the
encroachment such as issuing notices, lodging complaints in police stations
against the encroachers and reporting to the Mandal Revenue officers and
Village revenue officers for their help in eviction of such encroachments.

As the procedure continues, recently the Deputy Executive Engineer ,
Drainage subdivision , Bhimavaram has identified an encroachment took
place in survey no 370 of Mogallu village in palakoderu mandal by .sri
Penmestha Satyanarayana Raju of Adarshnagar ,Bhmavaram .The one
Satyanarayana Raju has occupied nearly 50 cents of drainage poramboku in
the said survey number and constructed a building ,shed and a Hut.
Immediately the deputy Executive Engineer has issued a notice to the
encroacher to vacate the drainage poramboku as the land belongs to
irrigation department.

In response to the notice issued , the encroacher did not taken any steps to evict the encroachment and also challenged the same in the Hon'ble High Court vide Writ petition no:33547 of 2017 that the deputy Executive Engineer have no rights to issue such notice , as the Deputy Executive Engineer is not a competent authority.

The Hon'ble high court also issued their orders that " In the circumstances, since the impugned notice was an authority , who is not competent to issue the same, the impugned notice dated 27.09.2017 is set aside and the writ petition is allowed accordingly . How ever, this order will not prevent the competent authority to take action in accordance with Law." As per the court orders it was construed that no officer in Irrigation Department have rights to issue such notices for eviction of encroachments.

In this connection it is to submit that the Govt have issued orders vide GO No: 188 PANCHAYATH RAJAND RURAL DEVELOPMENT (pts I V) DEPARTMENT Dated 21.07.2011

Rules 2 . 1

iii . Category-c: vested with gram panchayats

All public water works , All public water courses ,springs , Reservoirs, Tanks, Cisterns, Fountains, Wells, Stand pipes and other water works (As per section 80 of Andhra Pradesh Panchayat Raj Act) Minor irrigation tanks , Tank bunds and all other water bodies and vested porambokes (Grazing lands threshing floors , Burning and Barial grounds , Cattle stands , Cart stands Topes.

Further in rule 4. The Govt. says that the protection of such lands lies with Gram panchayat and also with revenue department. The executive authority to remove such eviction of the said Govt property is panchayat secretary with the assistance from the police. (Copy of GO is here with enclosed).

In view of the circumstances explained above , I request the District collector ,West Godavari Eluru to kindly issue necessary instructions to the concerned ie. Panchathiraj and Revenue departments to take action accordingly in respect of the irrigation lands under encroachments.

Encl: 1.References 1,2 and 3.

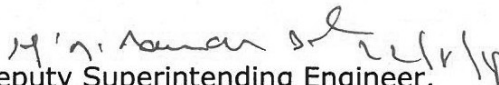
Yours faithfully,
Sd/- K.Surya Prakasa Rao,22/8
Superintending Engineer,
Irrigation Circle, Eluru

Copy with a copy of references to District Panchayat Officer, West Godavari, Eluru for information and requested to instruct all the village Panchayat Secretaries to take action accordingly.

Copy with a copy of references to all Revenue Divisional Officer for information and the Revenue Divisional Officer are request to instruct concerned MROs accordingly .

Copy with a copy of references to all Executive Engineers for information and they are requested to persue the issue with the district collectorate and report compliance.

Sd/- K.Surya Prakasa Rao,22/8
Superintending Engineer,
Irrigation Circle, Eluru
// true copy //


Deputy Superintending Engineer,
Irrigation Circle, Eluru
22-8-19