

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 20846 of 2009

ORDER:

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Heard learned counsel for the petitioners and learned Government Pleader for Revenue. In spite of service of notice there is no representation on behalf of the fourth respondent.

The present writ petition came to be filed seeking issuance of writ of mandamus to set-aside the proceedings in Lr.No.B/7202/06, dated 22.09.2009 issued by the third respondent in seizing the bore well and to declare the said action as illegal, void, without jurisdiction and contrary to the provisions of the Andhra Pradesh Water, Land and Trees Act, 2002.

The averments in the affidavit filed in support of the writ petition would show that basing on the complaint made by the wife of the fourth respondent stating that the petitioners dug the bore wells within the distance of 20 yards from one bore well to another bore well, thereby causing inconvenience to the family of fourth respondent, the third respondent conducted enquiry on 22.09.2009 and without issuing any notice to the petitioners, passed the impugned order on the same day. Challenging the same, the present writ petition came to be filed.

The main ground urged by the learned counsel for the petitioners is that without issuing any notice and without hearing the petitioners the impugned order came to be passed and the borewell was seized.

A perusal of the material placed on record would show that the enquiry and the impugned order came to be passed on the same day. The impugned order does not anywhere indicate notice being given to the petitioners before passing the order.

In view of the above, the order under challenge is set-aside, leaving it open to the respondents to take steps, if they chosen to and pass orders in accordance with law after giving notice to the parties concerned. Accordingly, the writ petition is disposed of. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition

shall stand closed.

JUSTICE C. PRAVEEN KUMAR

24.11.2015

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