

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.1289 OF 2015

ORDER:

The grievance of the petitioner is that the petitioner is being obstructed from further deepening of his well at the instance of the respondent No.5.

The case of the petitioner is that the petitioner dug a well about 40 years back and the respondent No.5 dug his well only 15 years back. The petitioner has Ac.4-30 guntas of land, whereas respondent No.5 has Ac.2-20 guntas of land. He had approached the Tahasildar by filing an application on 28.03.2013 and also paid a challan for Rs.100/-. In spite of his application dated 28.03.2013 neither the petitioner allowed to proceed with nor passed any orders on his application.

The grant of permission for digging of the bore wells / any well as defined under Section 2(22) of the Andhra Pradesh Water, Land and Trees Act, 2002 (in short "the Act") is governed by Section 13 of the Act read with guidelines issued under G.O.Ms.No.227, dated 08.04.2013. It is not necessary to mention the details of G.O.Ms.No.227, except to state that there are certain formalities that are required to be complied with before a person can dig a well. It is the contention of the learned counsel for the petitioner Sri K.Satyanaraana Murthy that deepening of the existing well does not come within the scope of digging of a well. I am unable to agree with the said contention. Inasmuch as, the deepening of an existing well would clearly amount to digging of a new well as such petitioner shall make a fresh application by complying the required formalities under G.O.Ms.No.227 and as

and when such application is made, the competent authority—4th
respondent shall consider and pass necessary orders within four
weeks from the date of making such application.

Accordingly, the Writ Petition is disposed of. Consequently,
the miscellaneous petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM, J

Dated:18.02.2015.
Ssv