

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No. 2766 of 2012

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ORDER :

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This writ petition is filed assailing the notice issued by the first respondent dated 26.01.2012, wherein the petitioner was asked to handover the bore well to the Grampanchayat or to produce the documents showing the title with regard to the land where the bore well is situated, within 24 hours from the time of receiving the notice. It is stated that the said notice was issued only at the instigation of rival groups of petitioner. The petitioner is the absolute owner and possessor of the land to an extent of 4 guntas along with structure existing therein in H.No.2-85 (old), 2-131. The first respondent has no right whatsoever in respect of the said land. The first respondent issued notice to the petitioner to hand over the alleged government bore well forthwith to the government. Aggrieved the same, the present writ petition is filed.

2. Counter affidavit is filed by the respondents denying the averments in the affidavit filed in support of the writ petition stating that the petitioner has constructed compound wall after drilling the bore in the land mentioned in his affidavit under Constituency Development Programme Fund for public purpose. The said land is notified area, due to which no person other than the tribes can own and possess the said land. The petitioner belongs to non-tribe community. Hence the petitioner has no right to own and possess the said land. The villagers are using the said bore well and enjoying the public facility provided at the cost of Government. Even though the notice is issued to the petitioner, he has not produced any documents showing his title over the subject land nor filed explanation to the same.

3. Heard Sri Y.Rama Rao, learned counsel for the petitioner and Sri

G.Narender Reddy, learned Standing Counsel for the respondents.

4. Learned counsel for the petitioner submits that the respondents have issued notice giving 24 hours breathing time to submit the relevant documents and to file reply, failing which, action is sought to be initiated.

5. This Court, by order dated 06.02.2012 has granted interim order directing both the parties to maintain *status quo* and also made it clear that the petitioner shall not deny access to the users of the bore well for use of the same until further orders. Since it is alleged that the notice was already issued but given 24 hours time to submit relevant documents with regard to title of the subject land, which cannot be considered as reasonable time for filing the explanation.

In view of the same, ends of justice would be met if petitioner is provided two weeks time from today to file explanation along with relevant documents with regard to the title of the subject land, to the impugned notice dated 26.01.2012 before the respondents. Thereafter, the respondents shall consider the same and pass appropriate orders in accordance with law. Meanwhile, the petitioner shall not deny access to the users of water from the bore well, as per the interim orders dated 06.02.2012. If the petitioner fails to file explanation within the stipulated time, it is for the respondents to take action according to law.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous applications, if any pending in this Writ Petition, shall stand closed.

A.RAJASHEKER REDDY, J

01.09.2015.
KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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