

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 29348 of 2012

ORDER:

-

Heard learned counsel for the petitioner and Government Pleader for Revenue. With the consent of both the parties, the main writ petition is heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondent in seizing the bore well belonging to the petitioner vide proceedings No.B/247/2012, dated 19.05.2012 without issuing any notice or opportunity in accordance with the Andhra Pradesh Water Land and Trees Act, 2002, as illegal, arbitrary and violative of principles of natural justice; and consequently direct the respondent to release the bore well.

The averments in the affidavit filled in support of the writ petition would show that one Vikram Reddy gave a report to the respondent alleging that the petitioner dug a bore well adjacent to his mango tope and because of which he is not able to get water to his mango garden raised in an extent of Ac.10.00 and hence requested the respondent to take action against the petitioner. Basing on the said report, the respondent seized the bore well without issuing any notice to the petitioner. Hence, the present writ petition.

A perusal of the material placed before the Court would show that report was lodged on 19.05.2012 and the panchanama which is prepared at the time of seizure show that on the same day the respondent seized the bore well without issuing any notice to the petitioner.

In similar circumstances a Bench of this Court in ***Bodapati Markonda Naidu v. State of Andhra Pradesh, rep. by its District Collector, Chittoor and others*** held that the action of the respondent in seizing the bore well dug by the petitioner without issuing notice to him under Section 15 (2) of the Andhra Pradesh Water, Land and Trees Act, 2002, is violative of principles of natural justice and consequently set-aside the order of seizure of bore well.

In view of the judgment referred to above and having regard to the facts and

circumstances of the case, the action of the respondent in seizing the bore well vide proceedings No.B/247/2012, dated 19.05.2012 without giving notice to the petitioner is set-aside and consequently direct the respondent authorities to issue notice in terms of the provisions of the Act and pass orders after hearing all the necessary parties.

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

06.10.2015

gkv