

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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WRIT PETITION No.23394 OF 2015

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Between:

V. Chandrasekhar Chowdary

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Panchayat Raj and Rural
Development and Rural Water Supply
Department, Secretariat, Hyderabad and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 11.08.2015

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SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.23394 OF 2015

ORDER:

Heard.

The grievance of the petitioner is with regard to respondents 2 to 5 in not taking any action against the 7th respondent, who is stated to have dug and operating the bore-wells in Survey No.494 of Rathana Village, Tuggali Mandal, Kurnool District, in contravention of provisions of the Andhra Pradesh Water, Land and Trees Act, 2002.

The petitioner states that he purchased Acs.9.54 cents of land in Survey Nos.470/1, 490 and 491 of Rathana Village about 12 years back, which is adjacent to the dry land of Acs.11.00 belonging to the temple and which was leased out to the 7th respondent, who is stated to have dug three bore-wells without permission and thereby affecting the water level in the bore-well of the petitioner. The petitioner, therefore, made representations to all the authorities, including the Collector and the Tahsildar. Alleging that no action is taken in spite of several representations made by the villagers and the petitioner, the present Writ Petition is filed.

Learned Government Pleader for Revenue received instructions from the Tahsildar, Tuggali Mandal, Kurnool District, the 4th respondent, and states that the said complaint of the petitioner was forwarded by the Collector to the Tahsildar vide petition No.50591, dated 23.03.2015. Thereafter, the

4th respondent has physically inspected the land and found that as the land in Survey No.494 is classified as endowment land, he stated to have seized the bore-wells in the said survey number and handed over to the Village Revenue Officer for safe custody.

A detailed report is also stated to have been submitted by the 4th respondent and a further letter is also stated to have been addressed to the Assistant Engineer, A.P. TRANSCO. The aforesaid instructions clearly show that the cause in the Writ Petition does not any more survive, as the 4th respondent has already taken appropriate action.

At this stage, learned counsel for the petitioner states that though the bore-wells have been seized, the 7th respondent is still continuing to use them unauthorisedly and no action is being taken by the 4th respondent. The aforesaid objection of the petitioner is required to be made by way of an appropriate representation before the 4th respondent, who can examine the complaint of inaction, as that is not the basis for filing the present Writ Petition.

Hence, the Writ Petition is disposed of giving liberty to the petitioner to make appropriate representation to the 4th respondent with regard to his objection now raised and if such an objection is raised, the 4th respondent shall look into the same and take appropriate further action in accordance with law. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

11.08.2015

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