

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 14785 of 2015

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Date of Judgment: 4.6.2015

Between:

Vadde Venkata Lakshamma

...Petitioner

And

The State of Andhra Pradesh and others

..Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 14785 pf 2015

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ORDER:

Heard both sides.

The petitioner complains that her bore well in Sy.No. 246-2, H. Sodhanapalli revenue village, Narpala Mandal, Anantapur district was seized contrary to the provisions of the Andhra Pradesh Water, Land and Trees Act, 2002 under the proceedings of third respondent-Tahasildar, dated 7.5.2015. The petitioner has also, *inter alia*, raised a contention that the Tahsildar is not empowered to exercise the powers of seizure and it can only be done by the authority under

Section 3 of the said Act. I am unable to accept the said contention in view of Section 7 of the said Act which permits that all powers of the authority can be delegated to the district level authority or Mandal level authority. It is also noticed from the impugned order that though the petitioner was called upon to submit her explanation to the notice issued by the Tahsildar, dated 23.4.2015, she has not submitted it, consequently the Tahsildar examined the matter and passed the impugned order of seizure. Against the said order, the petitioner has an efficacious remedy of appeal before the Collector. However, the learned counsel for the petitioner submits in the alternative that the petitioner may be given once again an opportunity of submitting her explanation to the notice dated 23.4.2015. Keeping in view the interest of justice and for fair adjudication of the matter, I deem it appropriate to dispose of this writ petition with the following directions,

1. That the impugned order of seizure shall continue and shall be subject to further order to be passed by the Tahsildar in terms of direction No.3 given hereunder;
2. That the petitioner is granted time till 22nd June, 2015 to submit her explanation to the notice dated 23.4.2015;
3. That if such an explanation is received, the Tahsildar shall issue notice to the complainant as well as to the petitioner and pass an appropriate fresh order after hearing and considering their cases;

The writ petition is accordingly disposed of. Miscellaneous applications, if any, shall stand closed. No order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 4.6.2015

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NB:

C.C. of order be furnished within three days.

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