

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.29056 OF 2009

ORDER:

This Writ Petition under Article 226 of the Constitution of India is filed seeking the following relief/s:-

“...the petitioners herein pray that this Hon’ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or direction declaring the impugned action of the 2nd Respondent in not disposing the reply representation of the petitioner dated 20.12.2009 and providing him an opportunity of being heard pursuant to the notice dated 16.12.2009 issued in respect of removing the petitioner equipment from the private tank in Survey No.77 of Seethanagaram Village under 2nd Respondent without any authority and proceeding to take coercive steps against the petitioner without following the due process of law as illegal, arbitrary and violative of principles of natural justice etc., and consequently set aside the notice of the 2nd respondent dated 16.12.2009 in respect of removing the petitioner equipment from the private tank in survey No.77 of Seethanagaram Village under 2nd Respondent and grant such other relief or reliefs as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of the learned counsel for the writ petitioner and the learned Standing Counsel for the 2nd respondent. I have perused the material record.

3. By the impugned notice dated 16.12.2009, the Panchayat Secretary, Gram Panchayat, Jaggampet intimated the writ petitioner that he is drawing water from the Raghavamma Tank in Seethanagaram sivar of Jaggampeta Gram Panchayat belonging to Panchayat through oil engines for raising crops in the said lands and that the writ petitioner’s action in that regard is resulting in lack of water in the Tank and that therefore, the animals including milch cattle are suffering for want of drinking water and that the writ petitioner repeating his said acts in spite of being warned and that therefore, his acts, which are contrary to law, are penal in nature and that therefore, he is required to remove the engines and pipes from the tank bed on receipt of the notice or otherwise, appropriate action would be taken to remove and hand over the same to the police.

4. Having received the said notice, the writ petitioner had issued reply

notice dated 20.12.2009 to the Panchayat Secretary stating about the purchase of the land under registered sale deed dated 27.03.1965 and his right to draw water for agricultural purposes from the tank, which is their own tank in Survey No.77 of Seethanagaram village. In the said reply notice, the writ petitioner had requested for withdrawal of the notice issued to him by the Gram Panchayat.

5. Now, in this writ petition, the petitioner, while ventilating his grievances, makes a request that the respondents may be directed to dispose of the representation part of his reply notice, after giving an opportunity of hearing him.

6. The learned standing counsel for the 2nd respondent, during the course of submissions, states that an appropriate direction to dispose of the representation part of the reply notice issued by the writ petitioner only may be given by fixing a time frame.

7. Having regard to the submissions, this writ petition is disposed of directing the 2nd respondent to dispose of the representation part of the reply notice dated 20.12.2009 of the writ petitioner within a period of six (06) weeks from the date of receipt of a copy of this order, after giving the writ petitioner an opportunity of being heard. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this writ petition shall stand dismissed.

M.Seetharama Murti, J

27th November, 2015
Bvv