

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 40265 of 2012

ORDER:

-

Heard learned counsel for the petitioners and learned 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 directing respondent Nos.1 to 3 to initiate action against respondent No.4 as he dug borewell without obtaining permission under Andhra Pradesh Water, Land and Trees Act, 2002 (for short "the Act").

The main grievance of the petitioners is that respondent No.4 dug a bore well without obtaining any prior permission from the concerned authority, at a distance of 11 square yards to their agriculture land. It is their case that due to laying of the said bore well, the water in their well got dried up and consequently paddy crop was also damaged. Though the petitioners made representations before the District Collector seeking initiation of action against respondent No.4, but no action is taken till date.

Respondent No.3 filed counter opposing the averments made in the affidavit filed in support of the writ petition. It is stated that respondent No.4 dug the borewell for the purpose of providing drinking water to public and the same is at a distance of 180 feet and not 11 square yards as averred in the affidavit. It is also stated that the borewell of the petitioners is not dried up and that they are using the water to irrigate paddy crop raised in their fields.

From the above averments, two issues would arise for consideration, one is with regard to the place where the bore well was dug by respondent No.4 and another is whether the borewell of the petitioners got dried up or not. These issues being disputed factual aspects cannot be gone into in this writ petition. However, it is to be noted that the petitioners made representations on 15.04.2011, 13.06.2011 and 27.06.2011, under the Act, to respondent Nos.1 to 3 bringing to their notice about the illegality committed by respondent No.4. Therefore, it is just and proper if the representation dated 27.06.2011 made to the third respondent is dealt with in

accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of the order, after giving an opportunity to the petitioners.

With the above direction, 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

07.10.2015

gkv