

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.20067 of 2011

ORDER:

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Heard the learned counsel for the petitioner and the learned
counsel for the respondent.

With the consent of both the parties, the writ petition is disposed of at the admission stage.

Aggrieved by the action of the 2nd respondent in obstructing the petitioner from getting his bore-well situated in land admeasuring Ac.0-54 cents in R.S.No.286-112 of Kamsaligunta H/o.Nallamadu Grampanchayath, Ungutur Mandal, West Godavari District repaired, the present writ petition is filed.

The averments in the writ petition are as under:

The petitioner is the absolute owner of the property admeasuring Ac.0-54 cents in R.S.No.286-112 in Kamsaligunta H/o.Nallamadu Grampanchayath, Ungutur Mandal, West Godavari District. He purchased the said land along with 15 HP bore-well under a registered sale deed dated 21-02-2011, for a valuable consideration from his vendors P.Venkanna and his sons. Since the date of purchase, the petitioner is in possession and enjoyment of the land. It is stated that when the bore-well was not functioning properly, on 11-07-2011 the petitioner got the bore-well repaired with the help of a mechanic. The 2nd respondent who has nothing to do with the said repair caused obstruction and prevented the petitioner from getting the bore-well repaired. Hence, the writ petition.

By an order dated 18-07-2011, this Court while issuing notice before admission ordered that if the bore well was found to be in existence for a long time, the 2nd respondent shall not object to its repair

or upkeep. Learned counsel for the petitioner submits that pursuant to the said order, the bore-well was repaired and the same is under use.

Learned Government Pleader submits that the bore-well was not in existence and it has been drilled recently. He placed on record certain photographs to show that there was no bore-well in the land earlier.

It is to be noted that the respondents did not initiate any action against the petitioner for violating the provisions of the A.P.WALTA Act. The petitioner approached this Court on the ground that the 2nd respondent was interfering with his possession of bore-well by not permitting him to repair the same. In view of the interim orders passed by this Court the bore-well was repaired and the same is being used since 2011. Hence, it may not be proper for this Court to cause obstruction of the usage of the bore-well without there being any order passed by the respondent-authorities under the A.P. WALTA Act.

Without going into the merits of the case and in view of the interim orders passed, the writ petition is disposed of by directing the respondents not to interfere with the usage of bore-well situated in R.S.No.286-112 of an extent of Ac.0-54 cents in Kamsaligunta H/o.Nallamadu Grampanchayath, Ungutur Mandal, West Godavari District, except in accordance with law. It is needless to mention that the respondents are always at liberty to initiate any action in accordance with law. There shall be no order as to costs.

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

JUSTICE C.PRAVEEN

KUMAR

14-07-2015

Nvl

