

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 13337 OF 2015

DATED 30TH APRIL, 2015.

BETWEEN

G. Ramanamma

...Petitioner

And

The State of AP, rep. by its

Principal Secretary, Panchayatraj and Rural Development

Department (RD.III), Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 13337 of 2015

ORDER:

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The action of the second respondent in not permitting the petitioner to remove the silt from the bore-well existing in her land admeasuring Ac.2.52 cents in Sy.No.560-2B of Muttala, h/o. Goridindla village, Atmakur Mandal, Ananthapur District is challenged in the present Writ Petition.

It is the case of the petitioner that she is the absolute owner and possessor of the land to an extent of Ac.2.52 cents in Sy.No.560-2B of Muttala, h/o. Goridindla village and that she got dug a bore-well in the said land about ten years back for cultivation purpose. After taking the loan from the Department of Horticulture, she raised Orange, Sapota and Mango trees in the said land and cultivating the land by drawing the water from the bore well. As no sufficient water is available from the bore well, she took steps to get the bore-well cleaned with the drilling machine. However, the fourth respondent, who is her neighbouring land owner, made a complaint to the respondent authorities complaining that the petitioner is digging a new bore-well. Pursuant to the same, the second respondent seized the drilling rig. Thereafter, the petitioner made a representation to the second respondent on 01.09.2014 stating that she is only removing the silt from the already existing bore-well to draw sufficient water and sought permission to clean the bore-well. It is the further case of the petitioner that pursuant to her representation, the third respondent conducted an enquiry and submitted report recommending her case for removing silt from the bore-well and stating that the petitioner is not digging a new bore-well. Now the grievance of the petitioner is that despite the same, the second respondent is not taking any action on her representation. Hence the present Writ Petition.

Heard the learned Counsel for the petitioner and learned Government Pleader.
Perused the material on record.

Grant of permission for digging a bore-well is governed by the Andhra Pradesh Water, Land and Trees Act, 2002 read with Rules made there under and the guidelines issued by the Government of Andhra Pradesh (Panchayat Raj & Rural Development (RD.III) Department in G.O.Ms.No.227, dated 08.04.2013. However, in the present Writ Petition, the petitioner only sought permission from the second respondent to permit her to remove the silt from the already existing bore-well in her patta land so as to draw sufficient water for cultivation purpose. Pursuant to her representation dated 01.09.2014, the third respondent conducted an enquiry and submitted a report to the second respondent, which

reveals that the petitioner is only trying to remove the silt from the existing bore-well for drawing sufficient water for cultivation purpose. The material on record further discloses that even the Muttala village where the land of the petitioner is comprised is not in the list of over exploited areas as notified in the Gazette dated 12.01.2012 which was issued in exercise of powers under Section 11(1) of the Act referred to above. In view of the above, the permission sought by the petitioner for removing the silt from the existing bore-well cannot be refused.

For the foregoing discussion the second respondent is directed to consider the representation of the petitioner dated 01.09.2014 in the light of the report submitted by the third respondent in the month of September, 2014 and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

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JUSTICE CHALLA KODANDA RAM

Dated 30th April, 2015

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