

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.17367 OF 2015

DATED 17th JUNE, 2015

Between:

U. Lakshmanna @ Uppara Lakshmappa

.. Petitioner

and

The State of Andhra Pradesh rep. by its

Principal Secretary, Revenue

Department and others

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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ORDER

In the light of the order proposed to be passed, which does not touch upon the issue on merits, this Court is of the opinion that respondents 4 and 5 need not be put

on notice.

The grievance of the petitioner is that the Tahsildar-cum-Mandal Level Authority, Parigi Mandal, Anantapur District, is not taking action in respect of the bore well sunk by the fourth and fifth respondents in Sy.No.46 of Seegipalli Village, Parigi Mandal. According to the petitioner, this land is a Government poramboke land. The petitioner made a representation on 14.05.2015 in this regard to the Tahsildar, Parigi Mandal.

Section 15 of the Andhra Pradesh Water, Land and Trees Act, 2002 (for brevity, 'the Act of 2002') vests the Authority under the said Act with the power of dealing with the operation of bore wells within its jurisdiction. 'Authority' is defined under Section 2(1) of the Act of 2002 to mean the Authority constituted under Section 3. Section 3(5) of the Act of 2002 empowers the Government to constitute, by notification, Authorities at District, Division and Mandal Levels. Rule 10 of the Andhra Pradesh Water, Land and Trees Rules, 2004, deals with the constitution of a Mandal Level Authority. Under G.O.Ms.No.244, Panchayat Raj and Rural Development (RD.IV) Department, dated 24.06.2002, the Government of Andhra Pradesh constituted District and Mandal Level Authorities. The Tahsildar is the Ex-officio Chairman of the Mandal Level Authority.

In that view of the matter, it would be open to the Mandal Level Authority to examine the complaint made by the petitioner as regards the alleged illegal operation of a bore well by respondents 4 and 5 in Sy.No.46 of Seegipalli Village, Parigi Mandal.

The writ petition is therefore disposed of directing the Mandal Level Authority under the Act of 2002 at Parigi Mandal, Anantapur District, to give notice to the petitioner, the fourth and fifth respondents and any other affected party, if any, examine as to whether the bore well, allegedly sunk by the fourth and fifth respondents, is in a Government poramboke land in Sy.No.46 of Seegipalli Village, Parigi Mandal, Anantapur District, and thereafter take action in the matter in accordance with law. This exercise shall be completed within four weeks from the date of receipt of a copy of this order. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

17th JUNE, 2015

Note: Issue C.C. in three days

B/o Svv