

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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WRIT PETITION No.25158 OF 2015

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Between:

Busireddy Narayana Reddy.

.. Petitioner

And

The State of A.P., and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 17-08-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.25158 of 2015

ORDER:

Heard.

The petitioner's bore well was seized by the 3rd respondent on 10-07-2014, against which the petitioner preferred Appeal bearing No.A/1239/2014 before the 2nd respondent. The 2nd respondent appears to have considered the appeal and granted stay of the proceedings of the 3rd respondent in Ref.No.B/86/2014, dated 28-08-2014. However, he has referred to the said order, dated 28-08-2014, whereas in fact the order of the 3rd respondent, which is challenged in the appeal, is dated 10-07-2014 and the order of this Court in W.P.No.20323 of 2014 permitting the petitioner to prefer an appeal was dated 28-08-2014. However, it is appropriate to extract last two paragraphs of the order of the 2nd respondent, dated 13-05-2015, which reads as under:-

“Keeping in view of all the above circumstances, I hereby stay the proceedings of the Tahsildar, C.K.Dinne Mandal, issued in the Ref.B/86/2014, dated 28-08-2014 until further orders of this Court.

However, this order does not preclude the Mandal Level Authority of C.K.Dinne Mandal to initiate further proceedings as per WALTA Act, 2002, in the interest of administration duly following the procedure laid down therein.”

The above order makes it clear that the order of the 3rd respondent, which was impugned in the appeal, was stayed, and that the 3rd respondent is required to lift the seizure and permit the petitioner to use the said bore well. The petitioner's grievance is that in spite of the said appellate order, the 3rd respondent is not permitting the petitioner to use the bore well by lifting the seizure.

The order of the 2nd respondent also gives liberty to the Mandal Level Authority, C.K.Dinne Mandal, to follow the provisions of Section 15 of the WALTA Act, if action is required to be taken against the petitioner.

Learned Government Pleader has received instructions, which state that basing on the orders of the 2nd respondent, dated 13-05-2015, the Mandal Level Committee meeting is proposed to be conducted on 25-08-2015 to review the case and further action will be taken as per the directions of the Mandal Level Committee.

It is open to the Mandal Level Committee to conduct appropriate enquiry, as it deems necessary and in view of the stay granted by the 2nd respondent, the 3rd respondent is required to implement the said order on ground by lifting the seizure and permit the petitioner to use the bore well.

The grievance of the petitioner having been found justified, the writ petition is disposed of directing the 3rd respondent to forthwith comply with the order of the 2nd respondent by lifting the seizure and permit the petitioner to use the bore well. However, the same shall be subject to the orders, if any, that would be passed by the Mandal Level Committee, under Section 15 of the WALTA Act. No costs.

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

VILAS V.AFZULPURKAR, J

Date: 17-08-2015

Note:

Issue C.C. in three days

(B/o)

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.25158 of 2015

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17-08-2015

Prv

