

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.3466 of 2015

ORDER:

The writ petitioner challenges the order dated 24.01.2015 passed by the 3rd respondent in exercise of his powers under Section 15(1) of the A.P. Water, Land and Trees Act, 2002 (for short, 'the Act').

2. The petitioner's case, concisely, is that he owns Plot Nos.4, 9 and 10 admeasuring 745 square yards in total, by way of purchase through registered sale deeds in the year 2012. He states that one Mumtaj Begum is the erstwhile owner of the plots and the said plots were earlier a part of an agricultural land. He further states that the borewells, which have now come under the scanner of the respondent authorities, were existing since the year 2002, i.e., much prior to his purchase, and as such he was under the impression that he was not required to obtain any permission under the Act, and he was running a water purifier plant in his plots. While so, the 3rd respondent issued a notice on 20.01.2015 to which he submitted a representation on 23.01.2015 requesting the 3rd respondent to furnish certain documents, but the 3rd respondent, without affording an opportunity of hearing passed the impugned order.

3. At the hearing, learned Assistant Government Pleader submits that against the impugned action of the respondent authorities, there is a remedy of appeal provided under the Act and the petitioner may be directed to avail the said alternative remedy.

4. Adverting to the submission of the learned Assistant Government Pleader, the petitioner's counsel submits that the petitioner had, in fact, filed an appeal before the 2nd respondent; and along with the appeal he filed a petition seeking stay of the impugned order, but

neither of his applications were disposed of till today.

5. Having heard rival contentions, and in view of the submission of the petitioner's counsel that the petitioner had already filed an appeal before the 2nd respondent in which there is, admittedly, a Stay Petition, I deem it appropriate to direct the 2nd respondent to dispose of the appeal itself, as expeditiously as possible, in accordance with law. Till such time the appeal is disposed of, there shall be interim suspension of the impugned order.

6. With the above direction, the writ petition stands disposed of. No costs.

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

CHALLA KODANDA RAM, J

25th February, 2015

ksm