

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.4254 OF 2015

ORDER:

The notice dated 12.02.2015 issued by the 4th respondent-Tahasildar, under Section 15(1) of the Andhra Pradesh Water, Land and Trees Act, 2002 (in short "the Act"), is under challenge.

It is the specific contention of the petitioner that no notice as such was given to the petitioner and no enquiry as such was conducted either preliminary or final before directing the petitioner to close the bore well. Petitioner specifically denied the allegation that the bore well has been put in the tank bed known as Ravicheruvu.

On the other hand learned Assistant Government Pleader Sri Pavan submits that it is only a notice to the petitioner, whereby the petitioner was directed to close the unauthorisedly dug bore well within seven days, otherwise, action would be taken as per law. The said notice cannot be said to be an order determining the rights of the petitioner. Further the learned counsel also points out to the letter dated 14.02.2015 submitted by the petitioner.

Having considered the rival submissions as well as considering the fact that there is no final order as such has been passed by the respondent-Tahasildar after petitioner submitting his explanation dated 14.02.2015. Interest of justice would be served directing the respondents to consider the explanation submitted by the petitioner on 14.02.2015 and further explanation that petitioner may submit including an application seeking regularisation of the bore wells which have already been dug, the 4th respondent shall consider the same and pass orders. Till such time as he passes

order, petitioner's bore well shall not be seized/closed.

Accordingly, the Writ Petition is disposed of with the above direction at the stage of admission. Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dated:24.02.2015.

Ssv