

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.7932 OF 2011**

**ORDER**

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This writ petition is filed aggrieved by the action of the official respondents 1 to 6 in permitting the 7<sup>th</sup> respondent to establish distilled water plant by making construction in the residential area adjacent to petitioners' house.

The case of the petitioners is that 7<sup>th</sup> respondent is constructing distilled water plant with huge machinery in the residential area. Against the same, petitioners made a representation in the month of February, 2010 to the District Collector and the District Collector perused the representation and made endorsement to the Tahsildar to stop establishment of water plant in the middle of the residential houses. As no action has been taken by the respondents, the respondents 7 and 8 started operating water plant. Aggrieved by the action of the respondents 7 and 8, the petitioners filed W.P.No.13161 of 2010 wherein this Court granted interim order and the Panchayat Secretary put a seal on the house where the water plant is set up. Later the said writ petition was disposed of vide order dated 23.12.2010 directing the petitioners to make representation to the appropriate authorities by raising all the objections. But again on 22.02.2011, the seal was opened by the Panchayat Secretary and the water plant started operating. Once again the petitioners made representation on 07.03.2011 to the District Collector. In pursuant to the same, when the staff from the office of the District Collector went to the area where the water plant is situated, they found all the rooms locked and the Panchayat Secretary told that he does not know the whereabouts of the respondent No.7. After the official respondents left the place, the 7<sup>th</sup> and 8<sup>th</sup> respondents again started operating the water plant without any permission. Aggrieved by the same, the present writ petition is filed.

Counter affidavit is filed by the 6<sup>th</sup> respondent stating that as per

the Zonal Development Plan of Perecherla Zone approved by the Government in G.O.Ms.No.682 dated 29.12.2006, D.No.582/3 of Nallapadu Village is earmarked for residential use and as per the Zoning Regulations, Cottage and Services Industries which are not exceeding 10 HPEM and not involving pollution are permissible in residential zone. But the mineral water plant is situated in the village settlement and if underground water is tapped continuously, the surrounding bores will be dried up causing severe water shortage in the Village during summer. It is also stated that the 7<sup>th</sup> respondent has to obtain permission under WALTA Act from the competent authority. It is further stated that 5<sup>th</sup> respondent-General Manager may direct the Divisional Electrical Engineer, APSPDCL to disconnect the power connection to the water plant as it is an unauthorised and illegal unit and once the power supply is stopped, the unit will be closed and the petitioners are also aware of the said facts.

Counter affidavit is filed by the 5<sup>th</sup> respondent denying all the allegations in the affidavit. It is stated that in pursuance to the orders passed by this Court in W.P.M.P.No.9853 of 2011 in W.P.No.7932 of 2011, the District Collector addressed a letter dated 04.05.2011 to Gram Panchayat for taking immediate action. Thereafter, the Panchayat Secretary submitted a detailed report to the District Collector stating that the entire machinery was removed from the said house. It is further stated that petitioner are also aware of the action taken by the official respondents and also know about the removal of the entire machinery.

Heard Sri K.S.Murthy, learned counsel for the petitioner, learned Assistant Government Pleader for 5<sup>th</sup> respondents and Smt K.Manideepika, learned Standing counsel for the 6<sup>th</sup> respondent.

In view of the categorical statements made by the 5<sup>th</sup> and 6<sup>th</sup> respondents in their counter affidavits stating that necessary action has been initiated in pursuance to the orders passed by this Court in W.P.M.P.No.9853 of 2011 in W.P.No.7932 of 2011, the grievance of the

petitioner is redressed. More so, no reply affidavit has been filed by the petitioners.

In view of the above, the writ petition is disposed of recording the statements made in the counter affidavit. There shall be no order as to costs. As a sequel, miscellaneous petitions pending if any, shall stand closed.

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**A.RAJASHEKER**

**REDDY,J**

Date: 22.06.2015

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