

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 39741 OF 2015

10.12.2015

Between:

Peruboyana Chalapathi,
SPSR Nellore District.

... Petitioner

And

Institution of Lokayukta
For the States of Andhra Pradesh and Telangana,
Basheerbag, Hyderabad,
Rep. by its Registrar, and two others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

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WRIT PETITION No. 39741 OF 2015

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PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ petition impugnes two orders, namely, the order dated 24.07.2015 passed by the first respondent and the order dated 21.10.2015 passed by the second respondent. The order of the first respondent reads thus:

“Mr. Kulkati Somaiah, S/o. Venkatesh, Siddavaram Village, Pelemkota Post, Venkatagiri Mandal, SPSR Nellore District has filed this complaint stating that, one Mr. Chalapathi has dug a bore well on the adjoining land of the complainant and because of that, the complainant has suffered on account of drying up of his crops and that the aforesaid action of Mr. Chalapathi digging a bore well is without any sanction from the concerned authorities and is illegal and that even though he sent complaint to the authorities, no action has been taken.

I find from the material papers, a copy of an application dt.11.5.2015 filed by the complainant before the Tahsildar, Venkatagiri Mandal, but no action has been taken.

This matter squarely falls under Venkatagiri Mandal and as such the Tahsildar of Venkatagiri Mandal of SPSR Nellore District is directed to issue notice to the complainant and also Mr.Chalapathi, hold enquiry and pass order and take action in accordance with WALTA Act within a period of three months from the date of receipt of a copy of this order.”

From perusal of this order, we find that the Lokayukta has not issued any direction as such and has simply directed the Tahsildar to issue notice and hold enquiry into the grievance made by the complainant – Somaiah. After this order dated 24.07.2015, the Tahsildar issued notice to the petitioner and Somaiah. The petitioner

appeared before the Tahsildar and participated in the enquiry by filing his reply. The Tahsildar, thereafter, has passed order dated 21.10.2015 directing the petitioner to remove the bore well, since it was dug without permission and within less than 250 meters from the bore well of Somaiah.

In this view of the matter, we are not inclined to interfere with the order impugned in the instant writ petition. It is always open to the petitioner to challenge the order dated 21.10.2015 passed by the second respondent, in appropriate proceedings, if he so desires and advised.

With this liberty, Writ Petition is dismissed.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Date: 10.12.2015
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