

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.39515 OF 2014

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ORDER:

The grievance of the petitioner is that the 4th respondent-Tahasildar, Bramhasamudram, is not taking any action on the application made by him for digging a bore well in his land.

The averments in the affidavit of the writ petition are that he is the owner of land to an extent of Ac.1-36 cents situated in Sy.No.181-1 of West Kodipalli Village, Bramhasamudram Mandal, Anantapuram District and he made an application to the 4th respondent by paying necessary fee in favour of the Deputy Director, Ground Water Department, seeking permission to dig a bore well but the same is kept pending without passing any orders. Hence, the writ petition

When the matter came up for admission, the learned Assistant Government Pleader for Revenue (Andhra) submits that in view of the G.O.Ms.No.47, dated 03.03.2003, the authority to grant permission is given to the Mandal Revenue Officer, in respect of the villages. Presently, the Mandal Revenue Officer has been redesignated as Tahasildar. Further, Government had issued G.O.Ms.No.227, dated 08.04.2013 setting out various formalities to be complied with and as and when the petitioner makes an application by complying the formalities as required under G.O.Ms.No.227, dated 08.04.2013, it is for the authority to consider the application of the petitioner in accordance with law.

Having considered the rival submissions and having

perused the G.O.Ms.No.227, dated 08.04.2013, it is discernable from the same that the said G.O. came to be issued on account of the judgment of this Court In W.P.No.3609 of 2013 dated 01.04.2013. In that view of the matter, notwithstanding the fact that the petitioner had earlier approached the respective authorities seeking permission, he is obliged to approach the competent authority by making a proper application. Inasmuch as, much time has passed on account of the confusion remaining with respect to the authority to whom the application to be made and the formalities to be complied with in making the application for digging of a bore well, the petitioner cannot be made to suffer especially in view of the fact the petitioner's farm will be starved off water. The respondent No.4 shall consider and dispose of the application of the petitioner within three weeks from the date of receipt of the application.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, the miscellaneous petitions pending, if any, shall also stand closed.

CHALLA KODANDA RAM, J

Dated:27.01.2015.
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