

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH

* * *

WRIT PETITION No. 22499 of 2015

BETWEEN

O.Prabhavathi

... PETITIONER

AND

The State of Andhra Pradesh, rep. by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 28.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the fair copy of the Judgment? | Yes/No |

ORDER:-

Heard.

2. Petitioner complains that without notice to him and without following Section 15 of the WALTA, the second respondent has sent a communication dated 16.06.2015 to the third respondent informing that the petitioner has dug an unauthorized bore well in survey No.105 and has also taken an electrical motor connection and requiring the third respondent to disconnect the said electricity service to the petitioner's bore well, as mentioned above. Petitioner questions the said communication on the ground that the second respondent has neither issued any notice nor has followed Section 15 of the WALTA and as such could not have issued such a communication directly to the third respondent.

3. Learned Government Pleader was required to get instructions as to whether petitioner was given any notice. It is apparent from the instructions now received by the learned Government Pleader that without approaching the Tahsildar, the petitioner has dug a bore well and therefore, the said bore well is clearly unauthorized. The third respondent was required to disconnect the power supply to the bore well and accordingly the power supply was disconnected.

4. It is clear from the instructions above that the second respondent has not followed the provisions of Section 15 of the WALTA, which is applicable even if the bore well is dug unauthorizedly. Therefore, the action of the second respondent in requiring the third respondent to disconnect the power supply cannot be approved. However, since the power supply is already disconnected to the said bore well, I deem it appropriate to dispose of the writ petition with the following directions:

1. The second respondent shall at least now give a notice to the petitioner with regard to the said bore well calling upon the petitioner to submit explanation.
2. Petitioner shall be at liberty to submit explanation within a period of two (2) weeks on receipt of such a notice.

Petitioner is also at liberty to make appropriate application for grant of permission to dig bore well, if he has not applied earlier.

3. The second respondent shall consider petitioner's explanation as well as application, if any, for permission to dig bore well and pass appropriate orders within one week from the date of receipt of explanation and application, as above, from the petitioner. Subject to the orders that would be passed, the second respondent shall accordingly inform the third respondent either for restoration of supply or for not connecting the supply.

As a sequel, the miscellaneous applications, if any, shall stand closed.
There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

July 28, 2015
LMV