

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION Nos. 31719, 31772 and 31836 of 2016

COMMON ORDER:

1) Since all the writ petitions are inter-connected the following common order is passed.

2) W.P.No.31719 of 2016 came to be filed seeking issuance of writ of mandamus declaring the action of respondents 2 to 6 in not taking appropriate action against respondent No.7 under the Andhra Pradesh Water, Land and Trees Act, 2002 (for short "the Act") for his illegal digging of bore well within the distance of 30 meters from the petitioner's bore situated in Sy.No.74 of Koppole Village of Kethepally Mandal, Nalgonda District, by considering the representations dated 13.07.2016 and 16.07.2016 made by the petitioner, as illegal, arbitrary and against the principles of natural justice.

3) W.P.No.31772 of 2016 came to be filed seeking issuance of writ of mandamus declaring the action of respondents 2 to 6 in not taking appropriate action against respondent No.7 under the Andhra Pradesh Water, Land and Trees Act, 2002 for his illegal digging of bore well within the distance of 25 meters from the petitioner's bore situated in Sy.No.509 of Koppole Village of Kethepally Mandal, Nalgonda District, by considering the representation dated 16.07.2016 made by the petitioner, as illegal, arbitrary and against the principles of natural justice.

4) W.P.No.31836 of 2016 came to be filed seeking issuance of writ of mandamus declaring the action of respondent No.4 in directing their staff to seize the existing bore well situated in the petitioner's agriculture land admeasuring Ac.2.30 cents in Sy.No.74/ 1 of Koppolu Village, Kethepally Mandal, Nalgonda District, as illegal, arbitrary and violation of provisions of the Andhra Pradesh Water, Land and Trees Act, 2002; and consequently direct the respondent authorities not to interfere with her possession and enjoyment over the said bore well.

5) While issuing notice before admission on 21.09.2016 this Court granted interim direction as prayed for.

6) Learned counsel for the petitioners in W.P.Nos.31719 and 31772 of 2016 would submit that the petitioners in the above writ petitions made representations seeking seizure of the borewell under the provisions of the Act which are still pending consideration and as such the respondent authorities may be directed to pass orders on the said representations.

7) Learned counsel for the petitioner in W.P.No.31836 of 2016 submits that no notice was given to the petitioner and a notice was issued to the husband of the petitioner, who is respondent No.7 in W.P.Nos.31719 and 31772 of 2016, as such no action can be taken on the said notice. It is further urged that a representation made by the petitioner seeking regularization of the bore well is pending consideration and hence seeks a direction to consider the same.

8) Having regard to the fact that the representations made for seizing of borewell and also regularization of the borewell situated in Sy.No.74/ A1 of Koppolu Village, Kethepally Mandal, Nalgonda District are still pending consideration, the respondent authorities are directed to consider the representations made by either parties, in accordance with law, within a period of four (04) weeks from today, after giving them an opportunity of hearing. Till such time, *status quo* as on today shall be maintained.

9) With the above direction, all the writ petitions are disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

30.11.2016
gkv



