

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.24468 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the respondents 2 and 3 and their subordinates in trying to dispossess the petitioner from the land admeasuring Ac.2.09½ guntas in Sy.No.160/EE and 161/A/5 situated at Rejarla Revenue Village, Thallada Mandal of Khammam District, without issuing any notice and without initiating land acquisition proceedings and also trying to close the well and bore-well as illegal and arbitrary and consequently direct the respondents and their staff not to interfere with the possession of the petitioner in any manner.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Irrigation.

The contention of the learned counsel for the petitioner is that the petitioner is the owner of the land in an extent of Ac.2.09½ guntas in Sy.No.160/EE and 161/A/5 situated at Rejarla Revenue Village, Thallada Mandal of Khammam District. The petitioner herein dug a bore-well in the said land for the purpose of cultivation of his land.

The contention of the learned Assistant Government Pleader for irrigation is that the petitioner in violation of Section 43 of A.P. (Telangana Area) Irrigation Act, 1357 fasli dug the bore-well.

The fact remains that the petitioner has been in possession and enjoyment of an extent of Ac.2.09½ cents along with bore-well. If at all the petitioner dug the well in violation of the

provisions of the Act, the respondents are at liberty to take appropriate action. The respondents have no right whatsoever to close the well of the petitioner without following due procedure.

Having regard to the facts and circumstances of the case, the respondents 1 to 3 are hereby directed not to take possession of the land of the petitioner or close the well of the petitioner without following due procedure.

With the above direction, the writ petition is disposed of. As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

**T.SUNIL
CHOWDARY, J**

26.07.2016
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