

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.26459 of 2011

ORDER :

The case of petitioner is that he is the absolute owner and possessor of the land to an extent of Ac.0.38 cents in Sy.No.351-1, situated at Chinna Thippa Samudram Village, Chittoor District, having inherited the same along with his brothers from his father. He dug a bore-well in the said land and eking out his livelihood by cultivating the said land. While so, the 3rd respondent – Tahsildar, Madanapalle Mandal, Chittoor District, seized the said bore-well without any notice to him. Therefore, the petitioner has filed the present writ petition seeking *Mandamus* declaring the action of the 3rd respondent in seizing and sealing his bore-well and the action of respondent Nos.1 and 2 in not initiating any action against respondent No.3 and also in not responding to the representations made by him, as illegal and arbitrary, and consequently sought a direction to the respondents to cause enquiry against such seizure with a further direction to the respondents to pay damages of Rs.10,000/- to the petitioner by removing the seal, thereby enabling the petitioner to put the bore-well to use for the purpose of cultivation.

While admitting the writ petition, by order dated 29.09.2011, this Court granted interim orders directing the

3rd respondent to forthwith remove the seal of the bore-well in Sy.No.351/1 of Chinna Thippa Samudram Village, Chittoor District, and permit the petitioner to carry on his agricultural operations. It was made clear that the said order will not preclude the 3rd respondent from putting the petitioner on notice, giving him an opportunity of being heard and thereafter take action in accordance with law.

Subsequently, the 4th respondent, who was impleaded as a party-respondent in the writ petition by order dated 17.09.2012, filed counter affidavit along with vacate petition, stating that after passing of the said interim order, the seal of the bore-well was opened and though this Court granted liberty to the 3rd respondent for taking action in accordance with law, no action has been taken by him.

Heard both sides and perused the material available on record.

Having regard to the facts and circumstances of the case and in the light of the interim order passed by this Court, without going into the further contentions raised by both sides, this writ petition is disposed of directing the 3rd respondent – Tahsildar to issue notice to the petitioner as well as the 4th respondent, who made a complaint, and after considering the explanations and objections, if any, submitted by them and also after giving an opportunity of

hearing to both the parties, pass appropriate orders in accordance with law. This exercise shall be done within a period of six weeks from the date of receipt of a copy of this order.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A. RAJASHEKER REDDY, J

31.10.2016.
Msr



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