

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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WRIT PETITION No.16147 OF 2012
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ORDER:

Heard both sides and perused the material on record. With the consent of both the counsel, the writ petition is disposed of.

2. The present Writ Petition came to be filed seeking issuance of writ of *mandamus* declaring the inaction on the part of respondents 1 to 5 in taking action against the 6th respondent's bore well dug in Sy.No.516/4 of Vallampatla village, T.Narsapuram Mandal, West Godavari District as illegal, arbitrary and in violation of Water, Land and Trees Act, 2002 (for short, 'the Act') consequently, to direct respondents 1 to 5 to consider the representation, dated 03.10.2011 of the petitioner to seize the above said bore well of the 6th respondent.

3. The averments in the affidavit filed in support of the writ petition are as under:

The petitioner herein claims to be the owner of the land in R.S.No.512 for an extent of Ac.1-33 cents and in R.S.No.574-9 for an extent of Ac.0.20 cents situated at Vallampatla village, T.Narsapuram Mandal, West Godavari District, which was purchased by him under a registered sale deed, dated 10.07.1996.

It is said that initially there was a bore well, which was dug in the year 1993 and electric supply was given on 24.09.1993 vide service connection number 000238. While things stood thus, the 6th respondent dug the bore well in Sy.No.516/3, which is very adjacent to his land and the distance between two bore wells is less than 60 metres. It is averred that the 6th respondent dug the

same without obtaining prior permission from respondent Nos.2 and 3 as per the Act. It is said that after digging the bore well of the 6th respondent, water level in the bore well of the petitioner fell down and almost dried up. Hence, the petitioner made representations to respondent Nos.2 and 3 to take necessary action against the 6th respondent as per the provisions of the Act. He made a complaint on 18.09.2011 and he also made representations on 03.10.2011 and 09.04.2012 for seizure of the bore well. Inaction of the respondents led to filing of the present writ petition.

4. Though various grounds are raised in the writ petition, learned counsel for the petitioner restricts his claim seeking a direction to the Tahsildar (respondent No.2) to pass appropriate orders on the representation given by him on 03.10.2011.

5. Learned counsel for the 6th respondent submits that already an order was passed by the Tahsildar on 05.09.2011 and as such nothing survives for adjudication in the writ petition.

6. It is to be noted that on 18.09.2011 a complaint was made by the petitioner and no order is said to have been passed by the Tahsildar on the said complaint in spite of making repeated representations.

7. Learned Government Pleader for Revenue submits that the authorities have made necessary endorsements on the representations.

8. Be that as it may, since the grievance of the petitioner appears to be that no order has been passed on the complaint, the Tahsildar may pass appropriate orders in accordance with law.

9. Without going into the merits of the case and having regard to the rival submissions made, the Writ Petition is disposed of directing the Tahsildar to pass appropriate orders, in accordance with law, on the complaint given by the petitioner on 18.09.2011, if the same is still pending, at the earliest, preferably within a period of twelve (12) weeks from the date of receipt of a copy of this order, after issuing notice to all the aggrieved persons.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

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JUSTICE C. PRAVEEN KUMAR

Date:05.01.2016

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