

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.30787 OF 2016

ORDER:

The petitioner is challenging seizure of agricultural bore-well/ Electric motor on 30.08.2016 by the 3rd respondent, as illegal, arbitrary and beyond the jurisdiction.

2. Briefly stated the complaint of the petitioner is that notice, dated 03.08.2016, under Andhra Pradesh Water, Land and Trees Act, 2002 (for short, 'WALT Act') was issued to the petitioner against the alleged drilling of bore-well in the land in survey Nos.36 and 37 of Goparajupalli Village, Valigonda Mandal, Nalgonda District, for which the petitioner has given explanation, and no order is passed as on date. In spite of receipt of explanation, without passing any order, effecting the seizure is illegal.

3. The Assistant Government Pleader, on instructions, submits that the matter is still pending with 3rd respondent for enquiry; and that there are cases between the petitioner and the 4th respondent for violation of conditions in WALT Act. He fairly concedes that seizure was effected on 30.08.2016 is not in accordance with the WALT Act.

4. Having regard to the stand taken by the learned Assistant Government Pleader, I am satisfied that the writ petition can be ordered as follows:

The order of seizure of bore-well/electric motor on 30.08.2016 in the land in survey Nos.36 and 37 of Goparajupalli

Village, Valigonda Mandal, Nalgonda District, is set aside and the 3rd respondent is given liberty to pass orders on the explanation submitted by the petitioner, as per Rule 15 of the WALT Rules, as expeditiously as possible, preferably within a period of six (06) weeks from today. The complaint of the petitioner is that on account of seizure of bore-well/electric motor, the crop is withering away and requires for intimation to the 3rd respondent-Tahsildar. In view of the same, the Assistant Government Pleader is directed to inform about the order passed by this Court setting aside the seizure effected on 30.08.2016 to enable the petitioner to operate the bore-well.

5. With the above direction, the Writ Petition is ordered. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall be closed.

JUSTICE S.V. BHATT

SEPTEMBER 12, 2016

Note:

Issue C.C. in four (4) days.

(B/o)
YVL

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Dt: 12.09.2016

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