

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.15651 OF 2016

ORDER:

This Writ Petition is filed seeking to declare the action of respondent No.3 in threatening to seize the bore-well of the petitioner without passing any order on the explanation, dated 06.02.2016, submitted by the petitioner to the show-cause notice, dated 01.02.2016, as illegal and arbitrary, and consequently, direct respondent No.3 not to take any coercive steps to seize the bore-well of the petitioner without following due process of law.

The case of the petitioner is that on 01.02.2016, respondent No.3 has issued a show-cause notice calling for explanation from him as to why the bore-well in question should not be seized as he has violated Section 10 of the Water, Land and Trees Act, 2002, and pursuant to the same, though he has submitted explanation on 06.02.2016, no orders are passed by the respondent authorities on the same and they are trying to seize the bore-well in question. Hence, he filed the present Writ Petition.

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

Learned Assistant Government Pleader for

Revenue, on instructions, submits that though show-cause notice was issued, petitioner has not submitted any explanation and as such, Memo, dated 12.03.2016, was issued to the Mandal Revenue Inspector to seize the bore-well in question and the Mandal Revenue Inspector seized the bore-well on 09.05.2016. He also submits that though the bore-well was seized, the petitioner, on his own, removed the seal and as such, a criminal case was registered against him.

Though it is stated that the petitioner has submitted his explanation on 06.02.2016 to the show-cause notice, dated 01.02.2016, there is no acknowledgement on the so called explanation. Respondent authorities also dispute the same. Hence, no exception can be taken for seizing the bore-well of the petitioner. However, it is open to the petitioner to make one more representation to the competent authority and on filing such representation, the competent authority shall consider the same and pass appropriate orders in accordance with law.

With the above direction, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. No costs.

A. RAJASHEKER

REDDY, J
June 14, 2016
MD

