

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P. No. 17208 OF 2016

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ORDER :
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This writ petition is filed seeking writ of mandamus declaring the action of the 3rd respondent in seizing petitioner's bore well in Sy.No.573, situated at Sundaragiri Village, Chigurumamidi Mandal, Karimnagar district, without conducting local inspection as illegal and arbitrary and also against the provisions of Andhra Pradesh Water, Land and Trees Act, 2002 (for short 'the Act of 2002').

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

Learned counsel for the petitioner submits that though show-cause notice dated 12.04.2016 was issued seeking explanation of the petitioner, petitioner got issued reply notice through an Advocate on 23.04.2016. But without considering the said reply, impugned order dated 24.05.2016 was passed seizing the bore well of the petitioner.

On the other hand, learned Assistant Government Pleader for Revenue, on instructions, submits that since the petitioner has not filed any explanation to the show-cause notice dated 12.04.2016, bore well of the petitioner was seized on 24.05.2016 by way of impugned order.

A perusal of the show-cause notice dated 12.04.2016 issued to the petitioner shows that it does not indicate by what time, explanation of the petitioner should be filed. However, the contention of the learned counsel for the petitioner that reply dated 23.04.2016 through an Advocate, was given to the show-cause notice dated 12.04.2016, but it is not explanation to the show-cause notice.

In the circumstances, it is open for the petitioner to file an explanation to the show-cause notice dated 12.04.2016 within a period of two (2) weeks from today. On such explanation, it is for the concerned authority to consider the same and pass appropriate orders, in accordance with law, after issuing notices to all the affected parties. Since the petitioner filed photographs showing the standing crops, he is

permitted to operate bore well till the standing crop is harvested.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

14.06.2016.
kvs

_____ **A.RAJASHEKER REDDY, J**

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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