

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO
WRIT PETITION No.5558 OF 2016

ORDER :

Petitioner's grievance is that he is doing business in supply of water in premises bearing No.12-1-490/A/14, Asifnagar, Hyderabad but the 3rd respondent is not allowing the petitioner to do his business activity in the said premises.

2. Counsel for the petitioner states that the water is drawn from a bore well, which has been in existence for more than 30 years and that the petitioner has also obtained a license under Sections 521 and 622 of the Hyderabad Municipal Corporations Act, 1955 from the 2nd respondent.

3. The Government Pleader for Revenue appearing for respondents on instructions states that there was a complaint received from the owners and residents of Huda Colony, Asifnagar on 13.08.2015 to prevent illegal pumping of ground water for commercial purposes at the petitioner's premises, which is resulting in their bore wells becoming useless; that under Rule 15 of the Rules framed under the A.P. WALTA Act, 2002 there is a power conferred to take over the wells and to stop people from drawing water other than for drinking purposes i.e., for commercial purposes; that the petitioner did not have any permission from the appropriate authorities for using the same for commercial purposes; and therefore the bore well of the petitioner in the subject premises was seized on 17.11.2015. It is also stated that the petitioner had filed an affidavit on 26.11.2015 to the effect that he would not draw water from the bore well for any other purposes,

other than for drinking water for his own use; that on such undertaking, the bore well was released for being used by the petitioner for his own drinking water; but the petitioner had again started using the bore well for commercial purposes, and therefore, the 3rd respondent was forced to again seize the bore well of the petitioner, in view of the larger public interest.

4. Having regard to the stand taken by the respondents, the 3rd respondent is directed to initiate appropriate proceedings under the provisions of A.P. WALTA Act, 2002 against the petitioner and pass orders, after issuing notice to the petitioner and hearing his explanation thereto. This exercise shall be completed within a period of three (03) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

5. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

18th March, 2016.
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