

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.7467 OF 2017

O R D E R

As per the writ averments, petitioners 1 and 2 are brothers. The petitioner No.1 is the owner and possessor of land admeasuring Ac. 1-00 gts. in Sy.No.298 of Vyyalawada village, Dormakal Mandal, Mahaboobnagar District, having purchased the same under a registered sale deed. The petitioner No.2 is the owner and possessor of land admeasuring Acs.5-00 gts. in Sy.No.299/A2, having succeeded from their father and the 4th respondent issued Form 13(B) and Form 13(C) certificates. The names of the petitioners' were also mutated in the revenue records. Thus the subject land of the petitioners is a private patta land. The further case of the petitioners is that during the year 1995 without their knowledge, the revenue authorities have recorded Sy.Nos. 298 and 299 of Uyyalawada Revenue Village as Cheruvu Sikham. In the year 2007-2008, the petitioner No.2 dug a manual well in Sy.No.299/A2 and by obtaining electricity connection, installed motor and using the water for irrigation purpose. The 1st petitioner dug manual well in his land in Sy.No.298 on 10.2.2017 by the use of a poclainer. At the instance of the unofficial respondent No.6, the 4th respondent – Tahsildar issued notice dated 12.2.2017 asking the petitioner to stop the digging work. The petitioner got issued legal notice dated 21.2.2017 to respondent 4. Now the

grievance of the petitioners is that though the subject land is private patta land and they apprised the said fact through legal notice dated 21.2.2017, the 4th respondent, without passing any orders on the notice dated 12.2.2017, is neither allowing the petitioners to complete the work, nor to remove the poclainer and as such without any use, they are forced to pay hire charges. Hence the writ petition.

The learned counsel for the petitioners while reiterating the above averments, submit that no permission is required for digging a well, as the same is not within the prohibited distance as envisaged under Section 10 of the Andhra Pradesh Water, Land and Trees Act, 2002. The learned counsel further submits that the petitioners may be given liberty to make application to the 4th respondent about the claim of the subject land as patta land, and the same may be directed to be considered in accordance with law.

The land Assistant Government Pleader for Revenue submits that the subject land is Government Shikam land and as such petitioners cannot dig the well. On instructions he submits that no machinery was seized by the respondents 4 and 5 and the petitioner can take away the poclainer.

Having regard to the above facts and circumstances and the submission of the learned counsel Assistant Government Pleader for

Revenue, it is open for the petitioners to take away the poclainer, since it is stated that the same is not seized by the 4th respondent.

It is also open to the petitioners to make an application to the 4th respondent with necessary documents in support of their claim and the 4th respondent shall consider the same and pass appropriate orders in accordance with law.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

DATE: 08—03—2017

Note:

C.C. by today.

B/O

A.RAJASHEKER REDDY,J

