

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25609 of 2017

DATED : 02.08.2017

Between :

Dongala Lalitha W/o.Chinna Laxma Reddy,
Aged about 44 yrs, Occu : Housewife,
R/o.Venkatapuram, Bukkarayasamudram Mandal,
Ananthapuramu District & another
.. Petitioners

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat Buildings, Velagapudi,
Guntur District & others.
... Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioners challenge the show cause notice issued by the Tahsildar, under Section 15 (1) of A.P. Water, Land and Trees Act, 2002 (for short 'the Act'), calling upon the petitioners to explain on the allegation of digging a bore well in violation of the provisions of the Act.

3. It is not in dispute that the Tahsildar is competent to issue said notice under Section 15 (1) of the Act.

4. Learned counsel for the petitioners sought to contend that the Act is not attracted to this Village and therefore, the notice was erroneously issued. According to him, the village is not covered by the provisions of the Act and therefore, there is no illegality committed by them in digging the bore and the distance mentioned in the Act, has no application.

5. Nothing prevented the petitioners to place it before the Tahsildar, about the provisions of the Act. Thus, even before the objections are filed and considered by the authority, who is competent to initiate proceedings under the Act, of course subject to the objections of petitioners about application of provisions of the Act of the concerned village, this Court is not inclined to exercise the extraordinary jurisdiction at the stage of issuance of show cause notice.

6. It is always open to the petitioners to raise their objections and to work out their remedies, as available in law, if any adverse

decision is taken. Leaving it open to the petitioners to raise all the objections, as available in law, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

2nd August, 2017
Rds

