

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.22672 of 2017

ORDER:

Heard the learned counsel for the petitioner and the learned Assistant Government Pleaders for Panchayat Raj and Revenue for the respondents.

2. The case of the petitioner is that she is eking out her livelihood by doing cultivation of the land in an extent of Ac.4.98 cents in Sy.No.873-1 of Kondapalli Village H/o Tumucherla, Kanaganapalli Mandal, Ananthapuramu District. It is her further case that she dug a bore well in the year 2000 and was drawing water from the said bore well. While so, when the 3rd respondent seized the bore well in the year 2014, she filed WP No.10804 of 2014 challenging the action of the 3rd respondent. This court disposed of the said writ petition on 15.04.2014 directing the 3rd respondent to issue notice upon her as contemplated under Section 15 of the WALTA Act and pass orders after hearing the petitioner. It appears that thereafter, the Revenue Divisional Officer, directed the 3rd respondent to implement the orders of this court by proceedings dated 08.05.2015. This writ petition is filed challenging the order of seizing the bore well passed by the 3rd respondent on 16.06.2017.

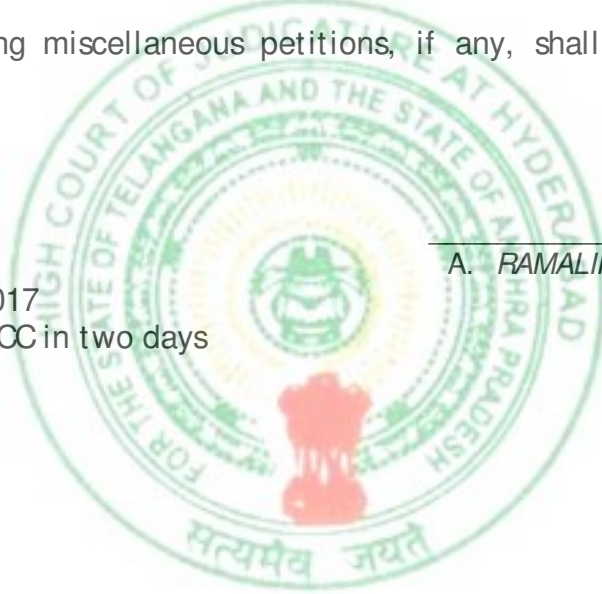
3. A reading of the impugned order shows that when a notice was issued to the petitioner on 21.08.2015 by 3rd respondent, the petitioner did not respond and in those circumstances, the 3rd respondent passed order directing the Mandal Revenue Inspector to seize the bore well. Learned counsel for the petitioner submits that the notice alleged to have been sent on 21.08.2015 was not received by the petitioner. In the

circumstances, this court feels that an opportunity should be given to the petitioner and accordingly, the petitioner is given liberty to submit her explanation pursuant to the notice alleged to have given on 21.08.2015, within one week from today and the 3rd respondent is directed to pass appropriate orders in accordance with law, keeping in view of the orders passed by this court in WP Nos.10804 of 2014 and WP No.20369 of 2015 dated 15.04.2015 and 21.07.2015 respectively, within two weeks, thereafter. Till such time, the order of seizure passed on 16.06.2017 shall remain in operation.

4. The writ petition is, accordingly, disposed of. No order as to costs. Pending miscellaneous petitions, if any, shall stand closed in consequence.

Date: 10.07.2017
Note: Furnish CC in two days
(BO)
BSS

A. RAMALINGESWARA RAO, J



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URGENT

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Date: 10.07.2017

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