

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.13235 of 2013

ORDER :

Petitioner has made a complaint on 15-04-2013 to the 1st respondent stating that 3rd respondent has dug a bore-well without obtaining any permission under the Andhra Pradesh Water, Land and Trees Act, 2002 (for short "the Act").

2. Petitioner contends that the said complaint filed against 3rd respondent has not been enquired into by the respondents till date.

3. Respondent Nos.1 and 2 have filed a counter stating that a civil suit was filed by petitioner against 3rd respondent, in which there was a *status quo* order was passed, and therefore they could not take any action under the Act.

4. Admittedly, respondent Nos.1 and 2 are not parties to the suit and they are obligated under the provisions of the Act to take action on the basis of the complaint made by petitioner. They cannot abdicate their responsibility to conduct enquiry into the matter merely because a civil suit is pending between the petitioner and 3rd respondent.

5. Learned counsel for 3rd respondent Sri S.D. Gowd contends that petitioner's bore-well is also not dug after obtaining permission.

6. Even if that fact is true, that does not entitle the 3rd respondent to dig a bore-well in violation of the provisions of the Act without seeking permission from the 2nd respondent.

7. Therefore, the 2nd respondent is directed to issue notice to petitioner and 3rd respondent and take action under the provisions of the Act on the complaint made by petitioner on 15-04-2013 in accordance with law within six (06) weeks from the date of receipt of a copy of this order.

8. The Writ Petition is allowed as above. No costs.

9. As a sequel, miscellaneous petitions, if any pending in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 17-04-2017

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