

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

WRIT PETITION No.10958 of 2017

ORDER:

Heard the learned counsel for petitioner, learned Government Pleader for Revenue appearing for respondent Nos.1 to 3, learned Government Pleader for Home appearing for 4th respondent and Sri K.Mahipathi Rao, learned counsel for 5th respondent.

2. Petitioner's grievance is that the 5th respondent had unauthorisedly dug a tube well, that the same was closed on 02-04-2011 by the 3rd respondent, but the said bore-well was again reopened and is being used by the 5th respondent illegally and the 3rd respondent is not taking any action thereon.

3. Petitioner contends that he had given a representation to the 2nd respondent on 07-12-2016 and the 2nd respondent has not taken any action thereon.

4. Learned Government Pleader for Revenue appearing for respondent Nos.1 to 3 states that the competent authority to take action against 5th respondent is the 3rd respondent and that the 3rd respondent will take action under the provisions of the A.P. Water, Land and Trees Act, 2002 into the issue after giving notice to both petitioner and 5th respondent and pass appropriate orders thereon.

5. Accordingly, the Writ Petition is disposed of directing the petitioner to make a representation to the 3rd respondent complaining against 5th respondent's action referred to above and within six (06)

weeks from the date of receipt of the said representation, the 3rd respondent shall issue notice to 5th respondent, consider the explanation of 5th respondent and pass a reasoned order and communicate the same both to the petitioner and 5th respondent. No costs.

6. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 16-11-2017

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