

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.31054 OF 2017

Dated:15.09.2017

Between:

Baddam Venkat Reddy, S/o. Vijayender
Reddy, age 21 years, Occ: Private Employee,
R/o. Paladugu Village, Mothkur Mandal,
Yadadri Bhongir District .. Petitioner

And

The State of Telangana, rep., by its
Secretary, Revenue Department,
Secretariat, Hyderabad and others .. Respondents



The Court made the following:

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ORDER:

Heard.

2. Petitioner claims to be the owner and possessor of agricultural land to an extent of Ac.5.00 in survey No.269/6/1/2 in Duppelli Village, Yadadri Bhongir District. According to the petitioner, the 4th respondent, who is the adjacent land owner, dug a bore-well very near to the bore-well dug by the petitioner and therefore it is directly affecting the intake water capacity of his bore-well and thus affecting the cultivable capacity of the agricultural land. Petitioner claims that the said action of the 4th respondent is in gross violation of the provisions of the Andhra Pradesh Water, Land and Trees Act, 2002 (for short, 'the Act, 2002'). Therefore, the petitioner complained to the Tahsildar on 18.07.2017. Alleging inaction on the said complaint, petitioner filed this Writ Petition.

3. Learned counsel for the petitioner has taken through various provisions of the Act, 2002 to contend that the Tahsildar ought to have taken a decision in closing the bore-well of the neighbour, who dug a bore-well in a very short distance of the bore-well of the petitioner. Learned counsel submits that not taking any action on the complaint dated 18.07.2017 filed by the petitioner is illegal.

4. Having gone through the provisions of the Act, 2002, *prima facie* there is no provision, which vests power in the Tahsildar to close a bore-well and denying digging of a bore-well by a

neighbouring land owner, unless a notification is issued under Section 13 of the Act, 2002 prohibiting sinking of bore-well.

5. As there is no statutory requirement, it cannot be said that not acting on the complaint amounts to violation and deliberate inaction by the respondent authorities. Therefore, no mandamus as sought for by the petitioner can be granted.

6. The Writ Petition is accordingly dismissed. However, it is left open to the petitioner to file an application ventilating his grievance before the Tahsildar to examine the scope of regulating digging of the bore-wells in the area by invoking the provision under Section 13 of the Act, 2002. It is needless to observe that as and when such request is made, the same shall be acted with due diligence and expeditious decision shall be taken by the authorities concerned.

7. The Writ Petition is accordingly 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

Date:15.09.2017

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