HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No. 28173 of 2017

Date: 23.08.2017

Between:
Vemuri Rama Rao,
Suryapet.

.. Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Revenue Department,
Secretariat Buildings,
Hyderabad, and others.

.. Respondents

The Court made the following:

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते

HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

According to petitioner, he is the owner of land in an extent of Acs.2.30 guntas in Survey No.989/A situated at Kodad Village and Mandal, Suryapet District. He dug a bore well in the said land and started cultivation. While so, third respondent dug a bore well very nearer to his bore well without obtaining prior permission from authorities concerned. Having noticed the same, petitioner gave a complaint to Tahsildar, Kodad, on 07.08.2017. But, so far no action has been taken on the said complaint. Hence, this writ petition.

Allegation of petitioner is that Tahsildar, Kodad, is not acting on his representation, which amounts to arbitrary exercise of power by Tahsildar. However, complaint is lodged by petitioner only on 07.08.2017 and present writ petition is filed on 21.08.2017. Therefore, it cannot be said that Tahsildar, Kodad, is not acting upon the said complaint.

Furthermore, under Section 33 of the Andhra Pradesh Water, Land and Trees Act, 2002 (for short 'the Act'), an appellate forum is created. Inaction on the part of competent authority to act upon the complaint can also be complained to the appellate authority.

In the instant case, petitioner without complaining to the appellate authority, rushed to this Court by invoking the jurisdiction of this Court under Article 226 of the Constitution of India.

As noticed, in the recent past, there is lot of litigation on the complaints regarding digging of bore wells by the neighbouring property owners. It is necessary for the Government to create an effective mechanism for redressal of such grievances expeditiously. Authorities should not compel aggrieved persons to knock the doors of this Court

alleging delay in taking action on the complaints made by them. Furthermore, the very object of the Act, would suffer if the complaints are not acted with promptitude. Principal Secretary to Revenue Department shall ensure that a proper mechanism is set in motion for speedy resolution of such grievances.

In the circumstances of the case, the writ petition is disposed of granting liberty to petitioner to ventilate his grievance before the appellate authority on the alleged inaction by Tahsildar, Kodad, in acting on his complaint dated 07.08.2017. There shall be no order as to costs. The Miscellaneous Petitions, if any, pending in this writ petition, shall stand closed.

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JUSTICE P.NAVEEN RAO

Date: 23.08.2017
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