

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

WV.MP.No.2209 of 2017

in

W.P.MP.No.18714 of 2017

in/and

WRIT PETITION No.15143 of 2017

COMMON ORDER:

Parties hereinafter will be referred to, as per their array in the Writ Petition.

2. Petitioner has questioned the memo dt.15.04.2017 of the 3rd respondent seizing the petitioner's bore-well in the land in survey No.24 of Machapuram village, Devanakonda Mandal, Kurnool District belonging to him at the instance of 5th respondent, without issuing any prior notice to the petitioner.

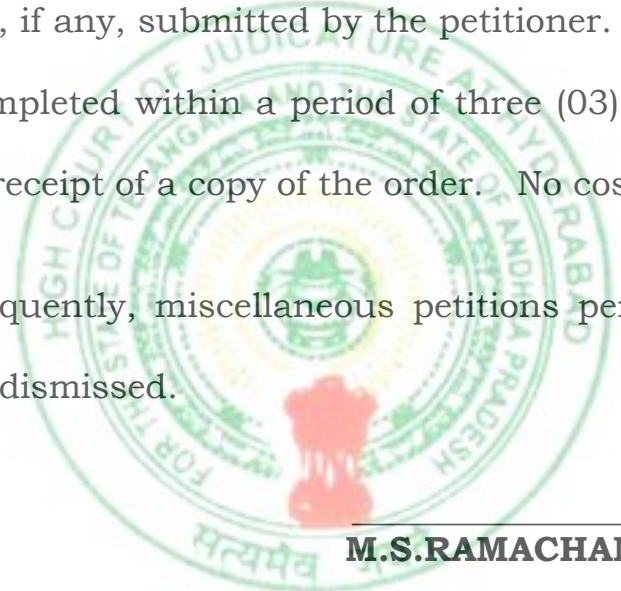
3. This Court on 26.04.2017 in W.P.MP.No.18714 of 2017 in W.P.No.15143 of 2017 granted stay of all further proceedings pursuant to the said order, mentioning clearly that it will not preclude the authorities in taking action after issuing notice to the petitioner.

4. 5th respondent filed WV.MP.No.2209 of 2017 to vacate the said order.

5. It is not denied by the 5th respondent that notice was not served on the petitioner before the impugned order was passed by the 3rd respondent.

6. Therefore the W.V.MP.No.2209 of 2017 is dismissed and the Writ Petition is allowed setting aside the order dt.15.04.2017 of the 3rd respondent on the ground that there is violation of principles of natural justice by him. However, liberty is granted to the 3rd respondent to consider the complaint of the 5th respondent against the petitioner under the provisions of A.P. WALTA Act, 2005 after serving notice on the petitioner, granting time to him to submit his explanation and then passing a reasoned order after considering the explanation, if any, submitted by the petitioner. This exercise shall be completed within a period of three (03) months from the date of receipt of a copy of the order. No costs.

7. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.



M.S.RAMACHANDRA RAO, J

07th December, 2017.
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