

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.16106 OF 2009

ORDER:

The present Writ Petition is filed questioning the action of respondents 2 and 3, in seizing a bore-well sunk by the petitioner in his agricultural land, as arbitrary and illegal. The petitioner invoked the jurisdiction of this Court contending that the order of seizure was passed without putting him on notice, and without giving him an opportunity of being heard; and the Andhra Pradesh Water, Land and Trees Act, 2002 ('APWALTA Act' for short) has no application to the bore well dug by the petitioner. He sought an interim order directing the respondents not to interfere with his drawing water from the new bore-well. This Court granted interim directions as prayed for in its order in WPMP No.21129 of 2009 dated 06.08.2009.

The petitioner appears to be drawing water from the bore-well ever since for the past eight years, I consider it appropriate, in such circumstances, to dispose of the Writ Petition directing the respondents not to interfere with the petitioner's using the bore-well, except after putting him on notice, giving him an opportunity of being heard, and passing an order in accordance with law. Needless to state that, in case any such notice is issued, it is open to the petitioner to raise all such contentions as are available to him in law, including that the provisions of the Act are not applicable to him. The Writ Petition stands disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 24.08.2017.
MRKR

