

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No. 27983 of 2012

ORDER:

Heard Mr. K.V.R. Krishna Sharma for petitioner and Mr. Sheshadri for 3rd Respondent.

2. The petitioner prays for mandamus declaring the proposed action of Respondents in marking and digging bore well in the middle of the cement road in front of Plot No.35 in Sy.No.13 of Vardhikuppam village, Baiparedlapalli Panchayat, Ramakuppam Mandal, Chittoor district, as illegal, arbitrary and unconstitutional.

3. The premise on which the instant writ petition has been filed is that the Respondents are proposing to dig a bore-well in the middle of cement road, particularly in front of Plot No.35. If the Respondents are successful in their attempts in digging the bore-well, it is stated that the petitioner suffers great inconvenience and the convenient enjoyment of Plot No.35 is diminished.

4. The 3rd Respondent filed counter-affidavit and has explained in detail the location of proposed bore-well, and further stated that digging of bore-well is not going to obstruct the petitioner in any manner. This Court finds it convenient to excerpt the stand taken by 3rd Respondent in the counter-affidavit at Paragraph-4, which is as follows:

“...This Respondent never had any intention to cause any inconvenience to the public or to the petitioner. The proposed bore well was proposed to dig at a distance of 25 feet. The proposed bore well point is pointed out by the Government geologist as a feasible point. The road is running North to South and the road is connecting to main road on North in side at a distance of 50 feet. The proposed digging bore well is proposed at dead end of other side that is on Southern side. Thereafter, there are agricultural lands. The proposed bore well is no way obstruct the writ petitioner.”

5. The learned counsel for petitioner requests the Court to place the statement of 3rd Respondent on record and dispose of the writ petition.

6. Therefore, the statement of 3rd Respondent made in counter-affidavit is placed on record, and the writ petition is disposed of accordingly. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

January 30, 2017
Kv

S. V. BHATT, J

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Dated: January 30, 2017

Kv