

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.30992 of 2013

ORDER:

Heard Ms.Padmavathi holding for Ms.T.V.Sidevi for petitioner and the Assistant Government Pleader (Revenue).

The petitioner challenges the action of the 3rd respondent in seizing borewell in Sy.No.159/4 of Soperu Village, Rajam Mandal, Srikakulam District, through panchanama dated 12.09.2013, without recourse to law, as illegal and unconstitutional.

On 30.10.2013, this court, after perusing the panchanama dated 12.09.2013 and taking note of illegality in the grievance canvassed by petitioner, has passed the following order :-

“Learned Assistant Government Pleader for Revenue (Andhra Area) takes notice for respondent Nos.1 to 3.

Notice to respondent No.4 only.

Personal service is permitted.

Post on 18.11.2013.

A perusal of the panchanama, *prima facie*, shows that no notice was given to the petitioner before his bore-well has been seized despite the order, dated 23.04.2013, in Writ Petition No.10450 of 2013, whereunder this Court has directed respondent No.3 herein to give notices to the writ petitioner therein and also the petitioner herein, who was respondent No.4 in the said Writ Petition, and take appropriate decision after giving both of them an opportunity of being heard. Therefore, respondent No.3 is directed to forthwith release the bore-well to the petitioner by lifting the seizure, pending further orders.”

The respondents have neither filed counter nor a petition seeking vacation of the order, dated 30.10.2013.

Learned Assistant Government Pleader (Revenue) submits that he has received instructions and according to instructions, the borewell is dug without permission and, therefore, action is taken.

This Court is of the view that the interim order is pending from 30.10.2013. The digging of borewell, if warrants initiation of action under the WALTA Act the same shall be by following the procedure stipulated under the WALTA Act.

Having regard to the above circumstances, I am satisfied, the interim order dated 30.10.2013 is made as final order in the writ petition and liberty is given to respondents, if circumstances warrant, to initiate action in accordance with law.

The writ petition is ordered as indicated above. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 04-07-2017
Prv

S. V. BHATT, J



THE HON'BLE SRI JUSTICE S.V. BHATT



WRIT PETITION No.30992 of 2013

04-07-2017

Prv

