

***THE HON'BLE SRI JUSTICE P. NAVEEN RAO***

**WRIT PETITION No.35140 OF 2017**

Dated:24.10.2017

Between:

Vallapureddy Adikrishna,  
S/o. Venkataswamy, Hindu,  
Aged about 41 years,  
R/o.H.No.1-188, Chellimalla Village,  
Pampulapadu Mandal, Kurnool District .. Petitioner

And

The State of Andhra Pradesh, rep., by its  
Principal Secretary, Revenue Department,  
Secretariat, Velagapudi, Guntur District  
And others .. Respondents



**The Court made the following:**

***THE HON'BLE SRI JUSTICE P. NAVEEN RAO*****WRIT PETITION No.35140 OF 2017****ORDER:**

Heard.

2. Petitioner claims to be the owner and possessor of agricultural lands admeasuring Ac.1.00, Acs.2.50 cents, Ac.1.66 cents, Ac.1.86 cents and Ac.1.42½ cents in Survey Nos.122, 377, 98, 99 and 37 respectively of Chelimilla Village, Pamulapadu Mandal, Kurnool District. It appears, the adjacent land owner, the 5<sup>th</sup> respondent herein, filed a complaint alleging that the petitioner dug a bore-well very near to the bore-well of the complainant and by digging such bore-well, the water availability in his bore-well is affected. Based on the said complaint, the Tahsildar, Pamulapadu Mandal, Kurnool District, issued notice on 11.05.2017 calling upon the petitioner to submit explanation. Accordingly, petitioner submitted explanation. However, even before a decision is made by the Tahsildar, the petitioner filed this Writ Petition challenging the very same notice.

3. When the Court specifically asked, learned counsel for the petitioner does not dispute the fact that the Tahsildar is competent to issue notice on a complaint of alleged illegal digging of bore-well. If that being so and when the competent authority issues notice in exercise of powers vested in Andhra Pradesh Water, Land and Trees Act, 2002, even before a decision is made by the competent authority, the Court is not inclined to entertain the Writ Petition and scuttle the proceedings pending before the competent authority. It cannot be assumed that the competent authority

would not consider the explanation offered by the petitioner. Thus, the Writ Petition is premature and the same is liable to be dismissed.

4. The Writ Petition is accordingly dismissed leaving it open to the petitioner to work out his remedies as available in law, if an adverse decision is made by the Tahsildar. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

Date:24.10.2017

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***P. NAVEEN RAO, J***

