

THE HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No. 25588 of 2016

ORDER:

Heard Mr.Kiran Palakurthy for petitioner and Mr.Karunakar Reddy for Respondent No.5. No representation for Respondents 1 to 4.

2. On 29.07.2016 the petitioner filed the instant writ petition praying for mandamus declaring Memo B/ 3401/ 2016, dated 14.07.2016 of the 3rd respondent in seizing the bore-well of petitioner in Sy.No.5/ 2 of Nadigudem village and Mandal of Nalgonda district, without following the procedure stipulated by law, as illegal, arbitrary and unconstitutional.

3. The impugned Memo is dated 14.07.2016. According to the petitioner, the Memo is served on 25.07.2016. On 29.07.2016, the petitioner claims to have given reply to the notice received on 25.07.2016. On 10.08.2016, this Court has suspended the Memo impugned in the writ petition.

4. The legal and factual argument of petitioner is that the notice is not served within time on petitioner, no enquiry was conducted, and further to circumvent the orders passed by this Court, orders are passed. The 3rd respondent is acting arbitrarily and illegally. The objection of petitioner briefly stated is that the 3rd respondent is acting in haste and without proper enquiry

passing final orders under the A.P. Water, Land and Trees Act, 2002 (for short, 'the Act').

5. I have perused the order dated 10.08.2016. Though a few submissions are made on the merits by both the learned counsel, this Court, after perusing the order dated 10.08.2016, prima facie satisfied that the 3rd Respondent did not conduct enquiry pursuant to the show cause notice dated 14.07.2016, served on petitioner on 25.07.2016. Further, it is not clear that the order dated 10.08.2016 is served on the petitioner, for under the Act a person aggrieved has remedy of appeal before the Authority under the Act.

6. Counsel for 5th Respondent without getting into this aspect of the matter consents to dispose of the writ petition by extending the interim order till 16.04.2017 and set aside the order dated 10.08.2016, direct the 3rd respondent to conduct enquiry by affording opportunity of hearing and pass orders in accordance with law.

7. The statement is placed on record, and the writ petition is disposed of by this order.

(a) The interim order granted on 10.08.2016 is extended till 16.04.2017;

(b) The order dated 10.08.2016 is set aside; and

(c) The matter is remitted to the 3rd Respondent for fresh disposal in accordance with law, after giving an opportunity to the petitioner.

8. The writ petition is accordingly disposed of. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

March 13, 2017
Kv



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