

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.8698 of 2018

ORDER:

The petitioner states that she is the absolute owner and possessor of the land of an extent of Acs.3.02½ guntas in Survey No.99 of Gudipalli Village, Pedda Adisarapalli Mandal, Nalgonda District, and she has been cultivating the said land with the help of her husband and father-in-law. They raised an Orchid garden in the said land. The husband of the petitioner is also stated to be having another extent of Acs.14.22 guntas of land in Survey Nos.98, 99 and 101 of Gudipalli Village. The land was purchased by her father-in-law in the year 2015 from his brother-in-law. She states that the third respondent came to the land on 03.03.2018 and seized the bore-well without assigning any reason. When she asked with regard to the reason, she was issued a Memo dated 07.03.2018 by the third respondent. Challenging the same, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that the bore-well was seized without issuing any notice and he relied on an order of the Division Bench of this Court in W.A.No.987 of 2009. He further submitted that by the time the petitioner purchased the land, there was a bore-well existing in the said land and she did not dig the bore-well after purchase of the land as alleged in the complaint lodged by the third party.

When this Court specifically pointed out to the learned Counsel for the petitioner to show the permission for digging the bore-well, he did not show any permission for the said bore-well. A reading of the impugned memo shows that the third respondent received a complaint stating that the bore-well was dug near another bore-well situated in Survey No.99 and in spite of issuing a notice on 03.03.2018, the petitioner did not respond. It was also stated that the bore-well was dug without maintaining 100 metres distance from the existing bore-well.

The order of the Division Bench was passed on the ground of violation of principles of natural justice. But, in the instant case, a notice was already issued on 03.03.2018 by the third respondent. Apart from that, when the petitioner does not possess any permission for digging the bore-well, it is well established principle of administrative law that the principles of natural justice are not applicable to a person who violated the law.

In the circumstances, the Writ Petition is dismissed at the admission stage. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

16.03.2018
vs