

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.12873 OF 2018

Dated:16.04.2018

Between:

Praneeth Pranv County Residents Welfare
Association, Redg.No.710 of 2017, having
Its registered office at Room No.1, Front
Office/Club House, Patel Guda, Ameenpur
Mandal, Sanga Reddy District, rep., by its
President S. Narasimha Reddy

.. Petitioner

And

The State of Telangana, rep., by its
Secretary, Revenue Department,
Secretariat Buildings, Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.12873 OF 2018****ORDER:**

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for respondents 1 to 3.

2. Petitioner is Residential Welfare Association. Petitioner association is aggrieved against the permission granted to the unofficial respondent for digging a bore-well in her house. Petitioner made a representation to the Revenue Divisional Officer, Sanga Reddy, in that regard. However, a reading of the representation would show that the grievance is more against unofficial respondent in not cooperating with the association and defaulting in payment of maintenance charges. The association has not highlighted that digging of bore-wells in this manner by the individual residents of the County would result in depletion of ground water and cause hardship to other residents.

3. Section 10 (2) of the Andhra Pradesh Water, Land and Trees Act, 2002 (for short, 'the Act') requires a person, who intends to sink a well within 250 meters of vicinity of public drinking water to seek permission of the authority, which is required to examine the application in accordance with the provisions of the Act. Section 9 of the Act enables the designated officer, with the approval of the authority, to prohibit water pumping by individuals, groups of individuals or private organizations in any particular area, if in his view such water pumping in such area is likely to cause damage to the level of ground water or cause

deterioration or damage to natural sources or environment for a period of not more than six month.

4. A reading of the representation filed by the petitioner association does not disclose that this aspect was highlighted. Unless a decision is made by the competent authority under Section 9 of the Act prohibiting exploitation of ground water, the order granting permission cannot be faulted. Hence, this Court is not inclined to interference with the permission granted to the unofficial respondent. However, liberty is granted to the petitioner association to make a representation to the competent authority to cause inspection to find out availability of ground water and whether digging of bore-wells would cause damage to the ground water in that area. It is needless to observe that as and when such application is filed by the petitioner association, the same shall be considered and appropriate decision shall be made by the competent authority. In view of upcoming summer, decision may be taken as expeditiously as possible, preferably within a period of three weeks from the date of receipt of application.

5. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, filed in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:16.04.2018

Note:- Issue C.C. in three days.

(B/o)
KH