

HON'BLE SRI JUSTICE S.V. BHATT

W.P. Nos.33808 OF 2017 AND 25960 OF 2018

COMMON ORDER:

Heard Mr.N.Aswartha Narayana for petitioner in W.P. No.33808 of 2017, Mr.Maheswara Rao Kuncham for petitioner in W.P. No.25960 of 2018 and the Assistant Government Pleader for Revenue. The learned counsel consented to disposing of the writ petitions by this common order.

The petitioner in W.P. No.33808 of 2017 is the 5th respondent in W.P. No.25960 of 2018 and respondent No.4 in W.P. No.33808 of 2017 is the petitioner in W.P. No.25960 of 2018. The subject matter of these two writ petitions is bore well dug in Survey No.111 in Jookal Village, N.P. Kunta Mandal, Anantapur District. W.P. No.33808 of 2017 is filed for Mandamus declaring the action of 3rd respondent in not seizing the bore well dug by Asam Veera Reddy, as illegal and unconstitutional. Mr.Nagi Reddy filed WPMP No.42059 of 2017 for the following relief:

“..be pleased to direct respondents 2 and 3 to restrain the 4th respondent from using the unauthorised bore well dug in Survey No.111 situated at Jookal Village, N.P.Kunta Mandal, Anantapur District forthwith, pending disposal of the writ petition..”

This Court on 28.12.2017 granted the following interim direction.

“Pending further orders, 3rd respondent shall take action on the complaint dated 20.10.2016 filed by petitioner (V.Nagi Reddy) against 4th respondent (Asam Veera Reddy) within two weeks.”

C.C. No.356 of 2018 is filed complaining disobedience of the interim direction dated 28.12.2017.

The 3rd respondent/Tahsildar under the above circumstances on 10.04.2018 seized the subject bore well. Hence W.P. No.25960 of 2018.

The above narration of circumstances demonstrate that an issue which is required to be examined under A.P. WALTA 2002 is completely considered and decided by referring to the orders passed by this Court. The Court while making the above observation should not be understood that a person can dig bore well contrary to the procedure prescribed by A.P.WALTA 2002. After perusing the record, it is evident that V.Nagi Reddy is aggrieved by the alleged unauthorised and illegal digging of bore well by Asam Veera Reddy. A representation is filed for action before the 3rd respondent. Even assuming that the prayer in W.P. No.33808 of 2017 is to be accepted in its entirety, the Court at best could have directed the competent authority to dispose of the grievance in accordance with law. The interim order dated 28.12.2017 as well directed consideration and disposal of representation dated 20.10.2016. By referring to the interim direction dated 28.12.2017, Panchanama dated 10.04.2018, is prepared and the subject bore well is seized. Without much discussion and keeping in view the limited grievance in both the writ petitions, the writ petitions are disposed of by this order:

- a) the Tahsildar/3rd respondent considers the complaint made against Asam Veera Reddy for digging bore well in Survey

No.111 in accordance with the A.P. WALTA 2002 within four weeks from the date of receipt of a copy of this order, passes final orders and communicates to both the parties. The parties before 3rd respondent are given liberty to file additional material, if any, in support of their respective cases within two weeks from today.

- b) the Panchanama dated 10.04.2018 is directed to be treated as show cause notice and enquiry completed within time stipulated by this Court.
- c) till the enquiry is completed and orders passed as stated above, the seizure effected on 10.04.2018 is suspended.
- d) The 3rd respondent endeavours positively to complete the enquiry within the time stipulated by this order.

The Assistant Government Pleader is given liberty to communicate the gist of the order forthwith to 3rd respondent.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date: 27.07.2018

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