

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION NO.27370 OF 2018

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India, seeking to issue a writ of mandamus declaring the action of the respondents in interfering with Bore Well in Survey No.32/3 A at Peddanapalli village, Yeleswaram Mandal, East Godavari District, sanctioned under order, dated 07.06.2018 of 4th respondent without following the due process of law and orally directing not to use for agricultural purpose as illegal and arbitrary, and consequently direct the respondents not to interfere with the Bore Well.

2. Heard learned counsel for the petitioner, learned Government Pleader for Revenue and perused the record.

3. The averments made in the affidavit filed in support of the writ petition would show that the petitioner appears to be the owner of the agricultural land admeasuring Ac.0.58 cents in Sy.No.32/3 A of Peddanapalli village, Yeleswaram Mandal, East Godavari District. As the existing Bore Well was not sufficient for agricultural purpose, he claims to have applied for digging a new Bore Well. After inspecting the site and basing on the report of the 3rd respondent-Deputy Director, the Ground Water Department, Rajamahendravaram, East Godavari District, the 4th respondent-Tahsildar, Yeleswaram Mandal, East Godavari District, vide order, dated 07.06.2018 sanctioned permission for digging a new Bore Well. Pursuant thereto, the petitioner claims to have dug a new Bore Well and also applied for electricity connection. The 5th respondent also granted electricity connection. While things stood thus, on 30.07.2018, the 4th respondent is said to have visited the site and orally informed the petitioner that they

have received complaints from the third parties and accordingly, asked him to close down the Bore Well. Challenging the action of the 4th respondent and interfering with the functioning of Bore Well, this writ petition is filed.

4. As seen from the record, it is evident that without giving written notice or disclosing the names of the persons, who gave the complaint, the Tahsildar is interfering with the functioning of the Bore Well.

5. Learned Government Pleader for Revenue on instructions submits that one Setti Chandra Rao had a bore well in his land, which is very near to the new bore well dug by the petitioner. A complaint was also came to be lodged by the said Chandra Rao before the Deputy Director (3rd respondent), requesting him to stop giving connection to the bore well. But no action has been taken for closing of the bore well.

6. In view of permission granted to the petitioner for digging a new bore well and without giving notice and without giving an opportunity to explain, orally requesting the petitioner to close the bore well and interfering with the functioning of the bore well appears to be illegal and incorrect.

7. Hence, the writ petition is disposed of directing the 4th respondent to issue notice to the petitioner if there are any complaints and take steps in accordance with law, instead of orally directing the writ petitioner to close down the bore well or interfering with the functioning of bore well. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

C.PRAVEEN KUMAR, J

DATED: 13-08-2018.

Hsd

