

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.35773 OF 2018

ORDER :

This writ petition is filed challenging the action of the 3rd respondent in not permitting the petitioner to draw water from the bore well situated in Survey Nos.88, 9A, 11L and 12L to an extent of Ac.4.00 guntas in Jiblakpally Village, Bodhanpochampally Mandal, Yadadri Bhongir District (Nalgonda Dist.).

Heard learned counsel for the petitioner who submits that this Court has considered the similar issue in WP.No.39725 of 2012 dated 27.12.2012. The same is not disputed by the learned Assistant Government Pleader for Revenue.

In view of the same, for the reasons alike, it is open for the petitioner to file an application, in terms of Rule 13(1) of the Andhra Pradesh Water, Land and Trees Rules, 2004, seeking permission of the competent authority to use the bore-well which has already been dug. If such an application is filed within ten days from the date of application, respondent No.3 shall examine the said application, in accordance with law, bearing in mind the petitioner's claim that the bore well dug by him is not near a drinking source or in an over-exploited area; pass orders within a period of two months thereafter; and communicate his decision to the petitioner.

As it is not in dispute that the petitioner has raised Paddy crop on the subject land, any delay in considering the petitioner's application may well result in irreparable damage being caused to the standing crop. I consider it appropriate, therefore, to direct respondent No.3 to forthwith permit the petitioner to use the bore well till the standing crop is harvested, or till final orders are passed on the application to be submitted by the petitioner, whichever is later. It is made clear that, in case the petitioner does not submit the application within the aforesaid period of ten days, it is open to the respondents to take action in accordance with law.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

31.10.2018

Note: Issue CC in two days.

B/o.t k.