

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 39624 OF 2018

ORDER:

This Writ Petition is filed questioning the inaction of respondent No.4 on the petitioner's representation, dated 16.10.2018, requesting to allow him to run the bore well in his agricultural land situated in Survey Nos.411/A1, 412/A1 and 415 of an extent of Ac.0-786 cents, and Ac.0-60 cents and Ac.6.02 cents respectively in Kalugotla Village, Yemmiganur Mandal, Kurnool District.

The allegation in the Writ Petition is that the petitioner is the owner of the land situated in Survey Nos.411/A1, 412/A1 and 415 of an extent of Ac.0-786 cents, and Ac.0-60 cents and Ac.6.02 cents respectively in Kalugotla Vilalge, Yemmiganur Mandal, Kurnool District and the Tahasildar-4th respondent had highhandedly taken away the fuse relating to the motor of the bore-well, as a result of which the mirchi crop, which has been put by him is getting dried up. The petitioner was not given any notice before taking away the fuse by the 4th respondent.

Considering the nature of relief, which the petitioner is seeking, learned Government Pleader for Revenue (A.P.) was directed to get oral instructions from the Tahasildar. The learned Assistant Government Pleader on instructions, over the phone, from the Tahsildar submits that the allegations made by the petitioner are all false and he has never taken the fuse or prevented the petitioner from pumping the water from the bore well.

Having considered the respective submissions, as there is no material, at this point of time, to come to a conclusion that the 4th

respondent has taken away the fuse and also taking into consideration the submissions made by the learned Assistant Government Pleader, the Writ Petition is disposed of, making it clear that the petitioner shall be entitled to make necessary alternative arrangements by replacing the fuse, which is alleged to have been taken away by the Tahasildar, use the water from the bore well. It is also made clear, if any of the official respondents has any complaint against the petitioner, they shall strictly follow the procedure prescribed under the Andhra Pradesh Water, Land and Trees Act, by issuing a notice and calling for an explanation from him, and it is only after considering the explanation that may be submitted by him, any action can be taken by the respondent authorities. In the event of violation of any of the provisions of the Act or the orders of this Court, the respondent authorities shall be liable to be proceeded against.

Accordingly, the Writ Petition is disposed of. No costs.

Consequently, the Miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

Date: 05.11.2018

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