

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4300 of 2019

ORDER:

The prayer of the petitioner in this case reads as under:

'For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court in the interest of justice may be pleased to issue a Writ, Order or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 3rd Respondent in causing seal of the bore well laid in the subject land in Sy.No.178/Aa and not acting upon the permission application and representation as illegal, unconstitutional and consequently direct the 3rd respondent to act upon the application for permission dt.08.02.2019 and representation of the petitioner dt.11.02.2019 expeditiously and grant permission to the bore well laid in Sy.No.178/Aa of Chinnadharpally village, Hanwada mandal as per the provisions of TSWALT Act 2002 and rules and pass such order, orders as this Hon'ble Court may deem fit and proper in the interest of justice.'

In the light of the fact that the petitioner already made the application for permission dated 08.02.2019 to the competent authority under the Telangana Water, Land and Trees Act, 2002 (for short, 'the Act of 2002'), viz., the Tahsildar, Hanwada Mandal, Mahabubnagar District, the learned Assistant Government Pleader for Revenue, State of Telangana, was asked to get instructions as to the status of the said application.

Today, the learned Assistant Government Pleader would inform this Court that owing to the fact that the petitioner went ahead with the sinking of a bore-well without awaiting the result of his application and as the authorities sealed the said bore-well, no steps were taken to process and finalize the said application.

It is not open to the competent authority to keep an application of this nature pending indefinitely. All the more so, when Clause 13 of the Guidelines issued by the erstwhile Government of Andhra Pradesh *vide* G.O.Ms.No.227, Panchayat Raj & Rural Development (RD.III) Department, dated 08.04.2013, for implementation of the provisions of the Act of 2002, states that the process of investigation, preparation of the report and scrutiny by the Deputy Director so as to send it to the mandal authority should be completed within fifteen days.

In that view of the matter, the writ petition is disposed of directing the Tahsildar, Hanwada Mandal, Mahabubnagar District, the mandal authority under the Act of 2002, to take appropriate action on the petitioner's application dated 08.02.2019 expeditiously and in any event, not later than one week from the date of receipt of a copy of this order, be it from whatever source. The decision taken upon the said application shall be communicated to the petitioner.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:05.03.2019

GJ