

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4658 OF 2019

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue writ or direction more particularly one in the nature of writ of mandamus declaring the Memo No B/4625/2018 dt 16.12.2018 issued by the 4th respondent in directing the revenue officials to seize the bore wells of the Petitioner excavated in the lands situated at Jangareddygudem village and Thipparthi mandal Nalgonda District without following due process of law and without considering the explanation submitted by the petitioners as highly illegal arbitrary and violative of Art 19 and 21 of Constitution of India and principles of natural justice and to pass such other relief or reliefs as this Hon’ble court deems fit and proper in the circumstances of the case.”

2 Perusal of the record reflects that the petitioner was issued notice dated 28.12.2018 requiring him to submit his explanation and the petitioner did so on 02.01.2019. The endorsement made on the petitioner’s explanation bears out that it was received by the Tahsildar’s office on 03.01.2019. By Memo dated 16.01.2019, the Tahsildar, Thipparthi Mandal, Nalgonda District, directed seizure of the petitioner’s bore well and pursuant thereto the seizure was effected on 19.01.2019.

3 The aforesaid Memo dated 16.01.2019 is practically in the nature of an order though it is titled ‘Memo’. If aggrieved thereby, the petitioner is provided the remedy of appeal under Section 33 of the Telangana Water, Land and Trees Act, 2002. Without availing this efficacious remedy, it is not open to the petitioner to come before this Court by way of a Writ Petition. Disputed questions of fact, which would invariably arise in a matter of this nature, cannot be resolved by this Court in exercise of writ jurisdiction.

4 The Writ Petition is accordingly dismissed leaving it open to the petitioner to invoke the appellate remedy available to him in accordance with the due procedure before the competent forum.

5 Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

March 7, 2019.

Kvsn

