

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5645 of 2019

ORDER:

The prayer of the petitioners 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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of Respondent Nos.1 to 4 in not acting upon the complaint dated 13.03.2019 of the petitioners as arbitrary, illegal and unconstitutional and consequently direct the 4th Respondent to seize the two bore wells made by 5th Respondent in the land Sy.No.198 situated in Narsingi Village, Golconda Mandal, Ranga Reddy District, and to pass such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case.”

In the light of the order proposed to be passed by this Court without going into the merits of the matter, it would not be necessary to put respondent No.5 on notice at this stage or afford it an opportunity of hearing.

Perusal of the legal notice dated 13.3.2019 got issued by the petitioners reflects that it is their case that disputes are pending between the parties before the competent civil Court and despite the same, respondent No.5 resorted to sinking of a bore-well in the subject land in Sy.No.158 (wrongly shown as Sy.No.198 in the prayer) of Narsingi Village, without any permission. The petitioners therefore sought necessary action to be taken in relation to the said bore-well.

The aforestated legal notice dated 13.3.2019 was addressed to the Tahsildar, Gandipet Mandal, Ranga Reddy District, and a copy thereof was marked to the Revenue Divisional Officer, Rajendranagar Mandal, Ranga Reddy District, which was received by him on 14.3.2019.

Having received such intimation of alleged illegal operation of a bore-well, it is not open to the authorities under the Telangana Water, Land and Trees Act, 2002, to remain somnolent. It is incumbent upon such authorities to examine as to whether the said complaint has merit and if so, initiate necessary action thereon in accordance with the due procedure.

Needles to state, the authorities would be bound to give an opportunity of hearing to all affected parties before taking action in the matter.

The Writ Petition is accordingly disposed of directing the Tahsildar, Gandipet Mandal, Ranga Reddy District, to take appropriate action upon the petitioners' legal notice dated 13.3.2019, if warranted, expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order, be it from whatever source.

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

19th March, 2019
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JUSTICE SANJAY KUMAR