

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5737 of 2019

ORDER:

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

'For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondent Nos.2 and 3 in not taking any steps for ceasing the bore-well and relevant equipment of the 4th respondent herein in Sy.No.152 of Balemla Village in Suryapet Mandal and District as illegal, arbitrary and violation of provisions of AP Water, Land and Trees Act 2002 and consequently direct the respondent Nos.2 and 3 to cease the above said bore-well of the 4th respondent herein and pass such other order or orders as this Hon'ble Court deems fit and proper.'

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 the fourth respondent on notice or afford her an opportunity of hearing at this stage.

Perusal of the representation dated 31.07.2017 made by the petitioner reflects that he claimed therein that a seized bore-well was reopened by the fourth respondent for operation without permission and he sought necessary action to be taken in relation thereto.

The copy of the representation dated 31.07.2017 placed before this Court reflects that the Collector, Suryapet District, directed the Tahsildar, Suryapet Mandal, to verify and take necessary action thereon.

In terms of the provisions of the Telangana Water, Land and Trees Act, 2002, it is for the authorities concerned to take appropriate action as and when they are intimated of the illegal operation of a bore-well.

Having received the complaint made by the petitioner under his letter dated 31.07.2017, it is not open to the Tahsildar, Suryapet Mandal, to remain inactive.

The writ petition is accordingly disposed of directing the Tahsildar, Suryapet Mandal, Suryapet District, to take appropriate action, as warranted, upon the petitioner's representation dated 31.07.2017 in accordance with the due procedure, after giving an opportunity of hearing to all parties concerned. This exercise shall be completed expeditiously and in any event, not later than six 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.

JUSTICE SANJAY KUMAR

Date:20.03.2019

Note:

Furnish C.C. in three days.
(B/o) GJ