

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6433 of 2019

ORDER:

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

'For the reasons stated in the accompanying affidavit, it is prayed that, this Hon'ble Court may be pleased to issue writ, order orders more particularly one in the nature of writ of mandamus declaring the action of the 3rd respondent for not taking any action against the 4th respondent's Borewell in Sy.No.510/A/2 situated at Sriramnagar Thanda, H/o Sannur Village, Rayaparthi Village and Mandal of Warangal District, in spite of the petitioner's representation dated 17.11.2018, is as illegal, Improper, null and void and consequently direct the 3rd Respondent to take action against the 4th Respondent and seize his Borewell in Sy.No.510/A/2 situated at Sriramnagar Thanda, H/o Sannur Village, Rayaparthi Village and Mandal of Warangal District and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

It is the case of the petitioner that the fourth respondent herein, being his neighbour, installed a bore-well which adversely affects his own bore-well. According to him, the installation of the bore-well by the fourth respondent is illegal. He submitted a complaint in this regard on 17.11.2018. The grievance of the petitioner presently is that no steps have been taken thereon.

The stamp on the complaint dated 17.11.2018 submitted by the petitioner bears out that it was received by the office of the Tahsildar, Rayaparthi Mandal, Warangal Rural District, on the very same day.

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 him an opportunity of hearing at this stage.

In terms of the statutory scheme of the Telangana Water, Land and Trees Act, 2002, it is for the Tahsildar concerned to take appropriate action in the event any illegal operation of a bore-well is brought to his notice. When the Tahsildar, Rayaparthi Mandal, received a complaint in this regard from the petitioner as long back as on 17.11.2018, it is not open to him to remain somnolent. He necessarily has to examine the merits of such a complaint after due enquiry and take appropriate action, if warranted, in accordance with law. As the Tahsildar is yet to undertake this exercise, this Court sees no necessity to entertain this writ petition or adjudicate the same on merits.

The writ petition is accordingly disposed of directing the Tahsildar, Rayaparthi Mandal, Warangal Rural District, to take appropriate action upon the petitioner's complaint dated 17.11.2018 in accordance with law, if warranted, after giving due opportunity of hearing to both parties. This exercise shall be completed 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.

JUSTICE SANJAY KUMAR

Date:27.03.2019

Note:

Furnish C.C. in two days.

(B/o) GJ