

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.25299 of 2019

ORDER:

The present writ petition is filed questioning the notice, dated 05.11.2019, issued by the third respondent, whereby the petitioner was called upon to explain within two days as to why its bore-well should not be stopped, under the provisions of the Telangana Water, Land and Trees Act, 2002.

2. Heard learned counsel for the petitioner, learned Government Pleader for Panchayat Raj, appearing for respondents 1 and 2 and Sri G.Narender Reddy, learned standing counsel for the Gram Panchayat, appearing for respondents 3 and 4.

3. Learned standing counsel submits that since the impugned proceeding is a mere show cause notice, the petitioner can always offer its explanation to the impugned show cause notice raising all its objections, as to the existence of bore-wells along with the rice mill in the land purchased by the petitioner in the year 2017.

4. Inasmuch as the impugned proceeding is only a show cause notice, this Court is of the view that the petitioner can be permitted to offer its explanation to the impugned show cause notice before the authority who issued the notice and the authority concerned shall consider the same and take appropriate action thereon, in accordance with law.

5. However, considering the period for furnishing the reply specified in the show cause notice as two days having been lapsed, this Court deems it appropriate that the petitioner can be directed to file its reply within a

period of seven days from the date of receipt of a copy of this order and on receipt of the reply from the petitioner, the authority concerned shall consider the same and take action thereon, in accordance with law, after providing an opportunity of hearing to the petitioner, if it so chooses, to adduce any evidence. In the meantime, the parties are directed to maintain *status quo* as regards the land question.

6. Subject to the above directions, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date:21.11.2019

GJ

JUSTICE T.VINOD KUMAR

