

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.38069 of 2018

ORDER:

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

'For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in nature of writ of Mandamus declaring the inaction of Respondents 2 to 4 in initiating necessary proceedings for seizing the illegal bore dug by Respondent no.5 in Survey nos.75/1 & 75/2 situated at Ravipahad Village, Mothe Mandal, Suryapet District by following due process of law as illegal, arbitrary against the provisions of Andhra Pradesh Water Land and Trees Act, 2002 and consequently direct the Respondent no.4 to seize illegal bore dug by Respondent no.5 in Survey nos.75/1 & 75/2 situated at Ravipahad Village, Mothe Mandal, Suryapet District, by following due process of law and to pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case, and in the interest of justice.'

Perusal of the order dated 29.01.2018 passed by the Tahsildar, Mothe Mandal, Suryapet District, under the provisions of the Telangana Water, Land and Trees Act, 2002 (for short, 'the Act of 2002'), reflects that he directed seizure and removal of the bore-well sunk by the fifth respondent in violation of the provisions of the said Act. Admittedly, the fifth respondent filed an appeal before the District Collector, Suryapet, aggrieved by the aforestated order but no interim orders were granted therein.

It appears that the fifth respondent thereupon filed W.P.No.27564 of 2018 before the erstwhile common High Court at Hyderabad for the States of Telangana and Andhra Pradesh and the said writ petition was disposed of by order dated 06.08.2018 directing the District Collector,

Suryapet, to consider the appeal filed by the fifth respondent within two months from the date of receipt of a copy of the said order and to maintain *status quo* as regards enjoyment of the subject bore-well for a period of two months from 06.08.2018.

Sri Ch.Upendra, learned counsel for the petitioner, would inform this Court that the fifth respondent is not attending the appeal proceedings or showing any interest therein.

Learned Assistant Government Pleader for Revenue would further inform this Court that the *status quo* order passed in W.P.No.27564 of 2018 was time bound for a period of two months from the date of its passing and therefore, the said order is also not in existence as on date.

In that view of the matter, it is not open to the authorities to fail to give effect to the order dated 29.01.2018 passed by the Tahsildar, Mothe Mandal.

The writ petition is accordingly disposed of directing the respondent authorities to give effect to the order dated 29.01.2018, if not set aside or suspended in appeal as on date and in the event there is no other order passed by any competent authority or Court interdicting them from doing so. This exercise shall be completed expeditiously and in any event, not later than two weeks from the date of receipt of a copy of this order.

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

JUSTICE SANJAY KUMAR

Date:11.02.2019

GJ