APHC010376762026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3329]

MONDAY, THE 26th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 20117/2026

Between:

.1. TOTTEMPUDI LAKSHMI, W/O SRINIVASA RAO, AGED ABOUT 50 YEARS, OCC AGRICULTURE, R/O PEDAPALEM VILLAGE, ATCHAMPETA MANDAL, PALNADU DISTRICT, ANDHRA PRADESH-522409.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, ENERGY DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, ANDHRA PRADESH-522503.

2. THE ASSISTANT ENGINEERAPCPDCL, ATCHAMPETA MANDAL, PALNADU DISTRICT-522409.

3. THE TAHSILDAR, ATCHAMPETA MANDAL, PALNADU DISTRICT-522409.

4. CHINKA SRINIVASA RAO, , S/O VENKAIAH, AGED ABOUT 47 YEARS, OCC AGRICULTURE, R/O PEDAPALEM VILLAGE, ATCHAMPETA MANDAL, PALNADU DISTRICT-522409.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased to issue appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the aetion of the 2nd and 3rd respondents in not considering the petitioner's representation dated 30.06.2026 whereunder a request has been made with regard to the illegal installation of the borewell in his land in Sy.No. 162-B2B which is adjacent to the petitioner land covered in Sy.No. 162-B2 is illegal, arbitrary, violative of provisions of the Andhra Pradesh Water, Land and Trees Act, 2002 (AP WALTA Act) and the Rules made thereunder, and consequently direct the 2nd and 3rd respondents to take appropriate legal action against the 4th respondent by duly taking into account of the petitioner's representation dated 30.06.2026, and pass

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to direct the 2nd and 3rd respondents to take appropriate legal action against the 4th respondent by duly taking into account of the petitioner's representation dated 30.06.2026, forthwith and pass

Counsel for the Petitioner:

1. KAMIREDDY DIVYA

Counsel for the Respondent(S):

1. GP FOR ENERGY
2. GP FOR REVENUE

The Court made the following:

ORDER

Heard learned counsel for the petitioner, learned Assistant Government Pleader for Energy appearing for respondent No.1, learned Standing Counsel appearing for respondent No.2 and learned Assistant Government Pleader appearing for respondent No.3.

2. Notice sent to respondent No.4 was returned with an endorsement "refused". Hence, service on respondent No.4 is held deemed sufficient/deemed served. Despite service of notice, none appeared on behalf of respondent No.4.

3. The case of the petitioner is that respondent No.4 dug a borewell in Sy.No.162-B2B, which is adjacent to the petitioner's land situated in Sy.No.162-B2, without obtaining prior permission as required under the provisions of the Andhra Pradesh Water, Land and Trees Act, 2002 (for short, "the AP WALTA Act"). In this regard, the petitioner submitted a detailed representation dated 30.06.2026 to respondent No.3, who is the competent authority, requesting to take appropriate action for removal of the illegally dug borewell, which was allegedly dug without obtaining the requisite permission. However, despite receipt of the said representation, respondent No.3 neither initiated any action nor taken any steps for removal of the borewell. Hence, the present writ petition.

4. On the other hand, learned Assistant Government Pleader appearing for respondent No.3, on the basis of written instructions, submitted that circular instructions were issued to all

field functionaries to scrupulously follow the provisions of the AP WALTA Act, pursuant to the instructions issued by the District Collector and District Magistrate vide Rc.No.59/T/PLP-2026, dated 21.04.2026. The said instructions mandate obtaining a No Objection Certificate (NOC) from the Ground Water Department before the Tahsildar issues a certificate under the AP WALTA Act, 2002. It is further submitted that, during the enquiry conducted by the Mandal Revenue Inspector and the Village Revenue Officer, it was revealed that respondent No.4 had dug a borewell in Sy.No.162-B2B without obtaining the mandatory NOC from the Ground Water Department. Therefore, the matter is required to be dealt with strictly in accordance with the provisions of the AP WALTA Act, 2002, the Rules made thereunder and as per the instructions issued by the District Collector.

5. Further, even as per the endorsement dated 28.07.2026, the Mandal Revenue Officer/Tahsildar has proposed to initiate appropriate action against the subject borewell dug by respondent No.4 in accordance with law.

6. Having considered the submissions made by the learned counsel appearing for the petitioner and the learned Assistant Government Pleader appearing for respondent No.3, and upon perusal of the material available on record, it is evident from the written instructions furnished by respondent No.3 that respondent No.4 had dug a borewell in Sy.No.162-B2B without obtaining the mandatory NOC from the Ground Water Department and also from the competent authority i.e., 3rd respondent herein. The petitioner has already submitted a representation dated

30.06.2026 to respondent No.3, who is the competent authority, seeking appropriate action in the matter. Further, the endorsement dated 28.07.2026 indicates that the Mandal Revenue Officer/Tahsildar has proposed to initiate appropriate action against respondent No.4 in accordance with law.

7. In view of the above circumstances, this Court deems it appropriate to dispose of the writ petition with a direction to respondent No.3 to consider the representation dated 30.06.2026 submitted by the petitioner and take appropriate further action against respondent No.4, strictly in accordance with the provisions of the AP WALTA Act, 2002 and the Rules made thereunder, within a period of two (2) months from the date of receipt of a copy of this order.

8. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

As a sequel, all pending miscellaneous petitions, if any, shall stand closed.

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VENKATESWARLU NIMMAGADDA, J

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THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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