
(2015) 03 AP CK 0103
In the Andhra Pradesh High Court
Case No : W.P. No. 6182 of 2015

Gurram Kistaiah

APPELLANT

Vs

State of Telangana and Others

RESPONDENT

Date of Decision : 11-03-2015

Acts Referred:

Andhra Pradesh Water Land and Trees Act, 2002 — Section 15
Constitution of India, 1950 — Article 22

Citation : (2015) 6 ALD 62 : (2015) 6 ALT 455

Hon'ble Judges : Challa Kodanda Ram, J.

Bench : Single Bench

Advocate : M. Bhagyasri, for the Appellant

Judgement

Challa Kodanda Ram, J.—Challenging the notice dated 4.2.2015, issued by the 4th respondent-Tahsildar, alleging violations of the provisions of the A.P. Water, Land and Trees Act, 2002 (for short, "the Act"), the present writ petition is filed by the petitioner. The learned Counsel for the petitioner submits that the 4th respondent issued the impugned notice to the petitioner and on the same day seized the bore well of the petitioner and there is a standing crop in the land of the petitioner. The petitioner is an illiterate man and the act of seizing the bore well of the petitioner is in violation of the provisions of Section 15 the Act. Learned Counsel also cites a judgment reported in P. Narayana Reddy Vs. Mandal Revenue Officer, Morthad Mandal and Others, .

2. The learned Assistant Government Pleader for Revenue, on the other hand, submits that the impugned notice issued by the 4th respondent is only a show-cause notice and he might have passed an order and seeks time to file counter.

3. The requirement of compliance of the opportunity of submitting objections and explanation and giving opportunity of hearing needs no emphasis especially when an adverse action leading to civil consequences are the result of action of the respondents. There is no reason for disbelieving the petitioner's affidavit with respect to the averments that the petitioner's bore well has been seized on

the same day. If the petitioner's bore well has not been seized on the same day virtually there is no requirement of an illiterate man approaching this Court by invoking the jurisdiction of Article 22 of the Constitution of India.

4. Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 4th respondent not to interfere with the bore well of the petitioner without giving an opportunity to the petitioner to submit his explanation and passing an order after considering the same in accordance with law. While passing orders, the 4th respondent may also take into consideration of the compromise which has been effected by the village elders between the petitioner and the 5th respondent who is the complainant. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.