

THE HON'BLE MS JUSTICE G. ROHINI

W.P.No.8260 of 2000

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Dated: 28.09.2007

Between:

M. Chinna Swamy (Died) rep. by his L.Rs.

..Petitioners

and

The District Collector, Chittoor, Chittoor District and another.

..Respondents.

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THE HON'BLE MS JUSTICE G. ROHINI

W.P.No.8260 of 2000

ORDER:

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This writ petition is filed seeking a declaration that the alleged action of the respondents in interfering with the possession and enjoyment of the petitioner's surface bore well with submersible motor, situated in Sy.No.132/1 of Govindareddipalle village, Thavanampalle Mandal, Chittoor District, as arbitrary and illegal.

This Court, while directing rule nisi, by order dated 09.05.2000, directed that the respondents shall not interfere with the peaceful possession and enjoyment of the petitioner in respect of the bore well in question.

In the counter-affidavit filed by the Mandal Revenue Officer, Thavanampalle, Chittoor District, it is stated that the petitioner sunk a bore well in Sy.No.132/1 and extracting water for agricultural purpose using heavy duty motor pump, which has restricted in the depletion of ground water in the area, thereby reducing the output of water from the rural water supply public drinking water source. Having received the said intimation, the Mandal Revenue Officer conducted spot inspection and even before any further steps could be taken, the petitioner filed this

writ petition falsely, alleging that the respondents were interfering without notice.

From the counter-affidavit, it is clear that the allegation that the respondents were interfering with the petitioner's right to use the bore well without conducting enquiry is factually incorrect. At any rate, the right to use the ground water is now governed by the provisions of the Andhra Pradesh Water Land and Trees Act, 2002 (for short 'the Act'), and even assuming that the bore well in question is resulting in depletion of ground water effecting the public drinking water source, the respondents are required to take appropriate action following the procedure prescribed under the Act.

Accordingly, the Writ Petition is disposed of with a direction to the respondents not to interfere with the petitioner's possession and enjoyment of the bore well in question without following due process of law, particularly, under the provisions of the Act. No costs.

G. ROHINI, J

Dated: 28.09.2007

sj

