

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

IA No. 1 OF 2024

IN

WP NO: 2407 OF 2024



Between:

1. Surapureddy Raja Rao, s/o Sri Surya Rao, Hindu, Cultivation, aged 66 years, r/o.D.No.1-103, Palacharla village, Rajanagaram Mandal, East Godavari District.
2. Ravipati Lakshmi Devi, w/o Nageswara Rao, d/o Surapureddy Raja Rao, Hindu, Housewife, aged 30 yrs. D.no. 1-69 Mallepalli Village, Gandepalli Mandal. East Godavari District.

Petitioners

AND

1. The State of Andhra Pradesh, rep by its Prl. Secretary, Revenue Department, Secretariat, Velagapudi, Guntur District.
2. The Tahsildar, Korukonda Mandal, Korukonda. East Godavari District.
3. The Assistant Director, Ground Water Department, Near BSNL Office, Tilak Road, Rajamahendravaram. East Godavari District.
4. The Assistant Engineer, APEPDCL, Korukonda. East Godavari District.
5. Nurukurthi Suri Babu, s/o Bapanayya, Hindu, Cultivation, aged 35 yrs, Ramachilaka Colony, Palacharla village, Rajanagaram Mandal, East Godavari District.

Respondents

Counsel for the Petitioner : Sri P RAJESH BABU

Counsel for the Respondent No. 1 :GP FOR REVENUE (AP)

Counsel for the Respondent Nos. 2 and 3 :GP FOR IRRIGATION

Counsel for the Respondent No. 4 : Sri METTA CHANDRA SEKHAR

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 to Grant Interim Orders of Direction directing the Respondent No.4, to stop supply the power supply to the Tube Bore well of Respondent No.5, in his land of an extent of 1-50 cts in Sy.no.340/3A, Nidigatla Village, Rajanagaram Mandal, East Godavari District, until further orders, Pending disposal of WP No. 2407 of 2024, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER

"Heard Sri P.Rajesh Babu, learned counsel for the petitioners and Sri E.Kumar, learned Assistant Government Pleader for Revenue.

Learned counsel for the petitioners contended that respondent No.5 is having land to an extent of Ac.1-50 cents in Survey No.340/3A, Nidigatla Village, Rajanagaram Mandal, East Godavari District and petitioners are also having the land to an extent of Ac.1-64 cents in Survey No. 341/2 of Nidigatla Village, Rajanagaram Mandal, East Godavari District, which is adjacent to the 5th respondent's land. Petitioners is having bore well in that land and to create trouble to the petitioners, contrary to the rules, the 5th respondent dug bore well nearer to the petitioners' bore well and now, the 5th respondent made an application for providing service connection to his bore well.

Learned counsel for the petitioners further contended that as per Section 10 of Andhra Pradesh Water And Land Trees Act, 2002, there should be minimum 250 meters distance between two bore wells. But without adhering to such provision, 5th respondent has dug bore well nearer to the petitioners' bore well, which is less than 250 meters. As such, if such bore well is allowed to continue, it affects the rights of the petitioners and also it amounts to miscarriage of justice. As such, prayed to pass appropriate orders protecting the interest of the petitioners.

On the other hand, Sri E.Kumar, learned Assistant Government Pleader for Revenue, on written instructions dated 02.02.2024, submitted that the distance between the 5th respondent's bore well and the petitioners' bore well is 77 meters.

Perused the material available on record.

A perusal of the written instructions dated 02.02.2024 goes to show that the 5th respondent has dug the bore well with a distance of 77 meters from the petitioners' bore well which is contrary to Section 10 of Andhra Pradesh Water And Land Trees Act, 2002, which reads as follows:

*"3.Permission of wells sinking near drinking water
source: Section 10 [Rules 13 & 14]*

*No person shall sink any well in the vicinity of a public
drinking water source within a distance of 250 mtrs. in areas*

other than the areas covered under Section – 9. Sinking of any well for drinking water purpose and hand pump for public or private drinking water purpose is exempted.

Any person who intends to sink a well for purpose of irrigation or drinking or for any other purpose within the vicinity of public drinking water source shall apply for permission to the authority and that application shall be disposed off within 45 days from receipt of application.

Any person desiring to take a new well of any kind in their premises should obtain permission by submitting the authority through an application in Form 2 & 5 together with the prescribed fee to the Village Revenue Officer.

The Village Secretary shall pass it on to the Mandal Authority within two days.

Mandal Authority with the opinion of the Technical Officer shall dispose of the application within 15 days.

Every order for permission shall be in Form 3 & 6.

Feasibility report of APTRANSCO and D.D of Rs.1200/- towards insurance premium should be appended to the application for obtaining the permission.

Prescribed Fee is Rs. 100"

Taking the submissions of learned counsel for the petitioners into consideration, prima facie, a point is made out for consideration, wherein a detailed counter is required to be invited. There is some force in the contention of learned counsel for the petitioners that, if service connection to the bore well dug by the 5th respondent is given, it affects the rights of the petitioners. As such, this Court, as an interim measure, is inclined to pass the following order.

The 4th respondent is directed not to provide any service connection if not already given and if given to disconnect the power supply."

//TRUE COPY//

SD/-SK MD RAFI
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, The State of Andhra Pradesh, , Revenue Department, Secretariat, Velagapudi, Guntur District.
2. The Tahsildar, Korukonda Mandal, Korukonda. East Godavari District.
3. The Assistant Director, Ground Water Department, Near BSNL Office, Tilak Road, Rajamahendravaram. East Godavari District.
4. The Assistant Engineer, APEPDCL, Korukonda. East Godavari District.
5. Nurukurthi Suri Babu, s/o Bapanayya, Hindu, Cultivation, aged 35 yrs, Ramachilaka Colony, Palacharla village, Rajanagaram Mandal, East Godavari District.(Addressess 1 to 5 by RPAD- along with a copy of petition and affidavit)
6. One CC to SRI. P RAJESH BABU Advocate [OPUC]
7. Two CCs to GP FOR REVENUE (AP) ,High Court Of Andhra Pradesh. [OUT]
8. Two CCs to GP FOR IRRIGATION ,High Court Of Andhra Pradesh. [OUT]
9. One CC to SRI. METTA CHANDRA SEKHAR, Standing Counsel [OPUC]
10. One spare copy.

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HIGH COURT

RC,J

DATED:09/02/2024

POST ON 01.03.2024

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DIRECTION

