



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

[3208]

FRIDAY, THE FOURTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 2407/2024

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.

...PETITIONER(S)

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, RAJ AMAHENDRAVARAM. 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.

...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 a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the proposed action on the part of Respondents 2and3 in sanctioning for construction of Tube Bore well to Respondent no.5, in his land of an extent of Ac. 1-50 cts in sy.no.340/3A, Nidigatla village, Rajanagaram Mandal, East Godavari District, and that the Respondent no.4 intending to provide electricity connection to the said Tube Bore Well of Respondent no.5, despite the complaints of the Petitioners followed by Legal Notices dt.07-07-2023 fit 12-01-2024, complaining that the distance between the Petitioner's Tube Bore well existing in his land of Ac. 1-64 cts in sy.no.341/2 Nidigatla village, Rajanagaram Mandal, East Godavari District, is only 70 meters and not 250 meters as per Sec.3 of AP Andhra Pradesh Water And Land Trees Act (AP WALT),2002, 86 Rules, is nothing but arbitrary, unlawful, unreasonable and in violation of the provisions of the Andhra Pradesh Water And Land Trees Act (AP WALT),2002, the Principles of Natural Justice and Fundamental Rights guaranteed under Art.300-A of the Constitution of India and Rules made there under by consequently directing the Respondents 2and3 and Respondent no.4 to cancel the permission and also the electricity service connection granted to Respondent no.5 for construction of Tube Bore well, in his land of an extent of Ac. 1-50 cts in sy.no.340/3A, Nidigatla village, Rajanagaram Mandal, East Godavari District, and pass

IA NO: 1 OF 2024

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 Respondents 2 to 4 not to interfere with the possession and enjoyment of the Petitioner over her building bearing D.No.2h2-74, which is in an extent of 195 sq.yds, Sy.no.363/1, Main Road, Palacharla village, Rajanagaram Mandal, East Godavari District, either by demolition or dismantling any part of the said building, pending disposal of the writ Petition and pass

IA NO: 2 OF 2024

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 vacate the interim order granted in I.A No. 1 of 2024 in W.P No. 2407 of 2024 Vide orders dated 09.02.2024 and further dismiss the writ petition by considering submission made in the counter affidavit, and pass

Counsel for the Petitioner(S):

1.P RAJESH BABU

Counsel for the Respondent(S):

1.ELURU SESA MAHESH BABU

2.GP FOR REVENUE (AP)

3.V V SATISH (SC for APEPDCL)

4.GP FOR IRRI AND CAD (AP)

The Court made the following:

ORDER:

The writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“...to issue a Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus, declaring the proposed action of respondent Nos.2 and 3 in sanctioning construction of a tube borewell to respondent No.5 in his land admeasuring Ac.1.50 cents in Sy.No.340/3A, Nidigatla Village, Rajanagaram Mandal, East Godavari District, and the action of respondent No.4 in intending to provide an electricity service connection to the said borewell of respondent No.5, despite the complaints and legal notices dated 07.07.2023 and 12.01.2024 submitted by the petitioners stating that the distance between the petitioners’ existing tube borewell in their land admeasuring Ac.1.64 cents in Sy.No.341/2 of the same village is only 70 meters and not 250 meters as required under Section 3 of the Andhra Pradesh Water, Land and Trees Act, 2002 (AP WALTA) and the Rules framed thereunder, as arbitrary, unlawful, unreasonable, and violative of the provisions of AP WALTA, 2002, the principles of natural justice, and the fundamental rights guaranteed under Article 300-A of the Constitution of India, and consequently to direct respondent Nos.2 and 3 and respondent No.4 to cancel the permission and the electricity service connection granted to respondent No.5 for the construction of the said tube borewell and pass such other order...”

2. Considering the submissions of learned counsel for the petitioners and upon obtaining written instructions from the 5th respondent, this Court passed an interim order dated 09.02.2024, which reads as follows:

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

3. After issuance of notice, the 5th respondent filed a counter-affidavit and placed reliance on G.O.Ms.No.16, dated 23.03.2021.

4. Learned counsel for the 5th respondent specifically relied upon clause 4(iii)(a) of G.O.Ms.No.16. According to the said provision, spacing norms between wells in command areas are prescribed therein; however, while recommending any well for any purpose in the vicinity of a rural water supply well, a distance of 250 meters must be maintained without any compromise.

5. It is contended by the 5th respondent that the above requirement pertains only to rural water supply wells and not to ordinary agricultural borewells, and therefore he is entitled to sink the borewell in question and seek electricity connection for agricultural purposes. In reply, learned counsel for the petitioners submits that the said contention is misconceived and that the action of the 5th respondent is contrary to Section 10 of AP

WALTA, 2002, as the spacing requirement is applicable to the present situation as well.

6. Having considered the submissions made by both sides and keeping in view the interim order already passed by this Court, and particularly noting that the said interim order has not been implemented, the respondents, more particularly the 2nd respondent, are directed to conduct a proper survey to measure the distance between the petitioners' borewell and the 5th respondent's borewell. If the borewell of the 5th respondent is found to be in violation of Section 10 of the WALTA Act, appropriate action shall be taken strictly in accordance with the Act and the Rules.

7. While conducting the survey, it is needless to state that due notices shall be issued to the petitioners as well as the 5th respondent to enable them to participate in the process.

8. The entire exercise shall be completed within a period of one month from the date of receipt of a copy of this order.

9. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous applications pending, if any, shall stand closed.

JUSTICE D. RAMESH

14th November, 2025
cbn

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THE HON'BLE SRI JUSTICE D. RAMESH

Writ Petition No.2407 of 2024

14th November, 2025

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