

**IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI**

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**WRIT PETITION NO: 20892/2025**

**Between:**

1.KONKA SRINU @ SRINIVASULU, S/O. K. MALYADRI, AGED ABOUT 39 YEARS, OCC. CULTIVATION, R/O. EPPAGUNTA VILLAGE, PONNALURU MANDAL, PRAKASAM DISTRICT.

**...PETITIONER**

**AND**

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY TO REVENUE DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI

2.THE DISTRICT COLLECTOR, PRAKASAM DISTRICT AT ONGOLE.

3.THE DISTRICT PANCHAYAT OFFICER, ONGOLE, PRAKASAM DISTRICT.

4.THE MANDAL PARISHAD DEVELOPMENT OFFICER, MANUAL PRSAJA PARISHAD, PONNALUR.

5.THE TAHSILDAR, PONNALUR MANDAL, PRAKASAM DISTRICT.

6.EPPAGUNTA GRAM PANCHAYAT, REP. BY ITS EXECUTIVE AUTHORITY-CUM- PANCHAYAT SECRETARY, EPPAGUNTA VILLAGE, PONNALURU MANDAL, PRAKASAM DISTRICT.

7.SUBINSPECTOR OF POLICE, PONNALUR, PRAKASAM DISTRICT.

**...RESPONDENT(S):**

DATE OF ORDER PRONOUNCED : **07.05.2026**

**SUBMITTED FOR APPROVAL:**

**HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**

1. Whether Reporters of Local Newspapers may be allowed to see the order? : Yes/No
2. Whether the copy of order may be marked to Law Reporters/Journals? : Yes/No
3. Whether His Lordship wish to see the fair copy of the order? : Yes/No

**SUBBA REDDY SATTI, J**

**\* HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**

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7.SUBINSPECTOR OF POLICE, PONNALUR, PRAKASAM DISTRICT.

**...RESPONDENT(S):**

**! Counsel for Petitioner** : Sri C.Rama Chandra Raju, learned counsel assisted by Sri P.Sivannarayana, learned counsel

**^ Counsel for Respondents** : Ms. Usha, learned AGP for Revenue for Respondents 1 to 3 & 5, Sri P. Nithin, Learned counsel representing Sri M. Sudhir, learned Standing Counsel for respondents 4 & 6 and AGP for Home appeared for respondent No.7.

**< Gist:**

**> Head Note:**

**? Cases referred:**

1) (2008) 12 SCC 481

2) (2010) 2 SCC 114

- 3) (2016) 9 SCC 426
- 4) AIR 1963 SC 1633
- 5) (2003) 3 SCC 541
- 6) AIR 1919 Cal 972
- 7) AIR 1963 Cal 214
- 8) (1998) 6 SCC 538
- 9) (2001) 5 SCC 60
- 10) (2015) 7 SCC 373
- 11) (2002) 1 SCC 100

**This Court made the following:**

APHC010409182025



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

**[3331]**

THURSDAY, THE SEVENTH DAY OF MAY  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**

**WRIT PETITION NO: 20892/2025**

**Between:**

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**...PETITIONER**

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7.SUBINSPECTOR OF POLICE, PONNALUR, PRAKASAM 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 to issue a writ, order or direction more particularly one in the nature

of WRIT OF MANDAMUS declaring the action of the respondents 4 to 7 in taking possession of the Srinu R.O. Drinking Water Plant situated in Survey No. 336 of Ippagunta village through his letter dt. 23.07.2025 and without there being any authority of law and without following any known procedure established by law, as illegal, irregular, irrational, without jurisdiction, violative of principles of natural justice and offends articles 14 and 21 and 300-A of Constitution of India and consequently direct the Respondents No.4 to 7 to redeliver the possession of the Srinu R.O.Drinking water plant situated in Sruvey No. 336 of Ippagunta village to the petitioner and pass

**IA NO: 1 OF 2025**

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 suspend the 6th respondent letter Dt. 23.07.2025 and not to interfere with my Srinu R.O. Drinking Water Plant situated in Survey No. 336 of Ippagunta village, Ponnaluru Mandal, Prakasam District, Pending disposal of the main writ petition and pass

**Counsel for the Petitioner:**

1.PANGA SIVANARAYANA

**Counsel for the Respondent(S):**

1.GP FOR HOME

2.GP FOR REVENUE

3.Mattegunta.Sudhir, Standing Counsel For Z.P.Ps,M.P.Ps,Gram Panchayats

**The Court made the following:**

**::ORDER ::**

The above writ petition was filed to declare the inaction of respondents 4 to 7 in seizing the R.O. drinking water plant and bore-well situated in Sy.No.336 of Ippagunta Village, pursuant to a letter dated 23.07.2025, without issuing any notice, as illegal and arbitrary.

2. Heard Sri C. Rama Chandra Raju, learned counsel assisted by Sri P. Sivannarayana, learned counsel for the petitioner, Ms. Usha, learned Assistant Government Pleader for Revenue appeared for respondents 1 to 3

& 5, Sri P. Nithin, learned counsel representing Sri M. Sudhir, learned Standing Counsel appeared for respondents 4 & 6, and learned Assistant Government Pleader for Home appeared for respondent No.7.

3. Learned counsel for the petitioner would submit that the petitioner constructed the R.O. water plant in Sy.No.336, land admeasuring 155 Square Yards in Ippagunta Village, which is an ancestral property. The petitioner spent an amount of Rs.3,00,000/-, to construct the R.O. water plant. Though there is a public drinking water system in the village, the water being supplied is not useful for domestic purposes and is not fit for human consumption. The petitioner has been collecting a nominal amount of Rs.3/- per 20-litre water can. The petitioner made a representation dated 09.06.2025 to respondent No.5, to issue permission. Respondent No.5, by an endorsement *vide* Rc.No.A/272/2025, dated 03.07.2025 (Ex.P5), rejected the permission. The petitioner filed a suit in O.S.No.27 of 2025 on the file of the learned Junior Civil Judge, Singarayakonda, and the same is pending consideration. Respondent No.5 issued a letter dated 23.07.2025 (Ex.P1), alleging that the petitioner has been running the R.O. water plant without permission, and the same was served on the petitioner on 27.07.2025. Thereafter, the respondents 4 & 7 seized the water plant.

4. The writ petition was listed on 07.08.2025. An order of *status-quo* was granted, and the same is being extended from time to time.

5. A counter-affidavit was filed on behalf of respondent No.6. It was contended, *inter alia*, that the petitioner filed a fake copy of resolution No.183, dated 13.05.2025, said to have been passed by the Gram Panchayat. The original resolution passed by the Gram Panchayat is Resolution No.190, dated 09.05.2025. The Gram Panchayat neither passed a resolution permitting the petitioner to run the R.O. plant, nor did the petitioner obtain permission from the Gram Panchayat to construct the structure. The house tax receipt filed by the petitioner is in relation to the shed in Sy.No.336, but not the R.O. water plant. The copies of resolutions were filed along with the counter-affidavit.

6. No counter-affidavit was filed on behalf of respondent No.5 – Tahsildar. However, the learned Assistant Government Pleader submitted the written instructions of Tahsildar *vide* Rc.A/278/2025, dated 07.08.2025. The copy of the written instructions was handed over to learned counsel for the petitioner.

7. Learned counsel for the petitioner made the following submissions.

(a) To dig a bore well, no permission was required under the Andhra Pradesh Water, Land and Trees Act, 2002 (hereinafter referred to as 'the WALTA Act').

(b) No resolution or permission is required from the Gram Panchayat to construct the R.O. water plant. However, the petitioner made an application as an abundant caution and thus, the Gram Panchayat passed a resolution *vide* Ex.P2, dated 13.05.2025.

(c) No show-cause notice was issued by the Tahsildar before seizing the R.O. water plant.

8. Ms. Usha, learned Assistant Government Pleader for Revenue, on the other hand, would contend that the request made by the petitioner was rejected by an endorsement dated 03.07.2025 (Ex.P5). The petitioner did not challenge the said endorsement. Thereafter, Ex.P1 notice was issued, and later, the unit was seized.

9. Sri Nithin, learned counsel appearing for respondents 4 & 6 would contend that the petitioner tampered with the resolution (Ex.P2). The petitioner did not obtain any permission from the Gram Panchayat as mandated under Section 120 of the Andhra Pradesh Panchayat Raj Act, 1994 (hereinafter referred to as 'the Act').

10. The points for consideration are:

Whether the seizure of R.O. water plant and bore-well in Sy.No.336, land admeasuring 155 Square Yards of Ippagunta Village, is legally sustainable?

Whether permission from the Gram Panchayat to construct the R.O. plant or a structure is necessary under Section 120 of the Act?

Whether the permission from respondent No.5 - Tahsildar, to dig a bore well under the A.P.WALTA Act is necessary?

11. Shorn of all other details, the relevant details necessary to decide the issues are that the petitioner constructed the R.O. water plant in the land admeasuring 155 Square Yards in Sy.No.336 of Ippagunta Village and no permission was obtained either to dig the bore-well or construct an R.O.plant.

12. In the affidavit, it was not disclosed when the plant was constructed or the commencement of operation of the plant. The property tax receipt filed *vide* Ex.P3, relates to a house. As seen from Ex.P2 resolution dated 13.05.2025, filed by the petitioner, the Gram Panchayat passed a resolution to construct the R.O. water plant and also to get the electric meter. Ex.P6 is the request made by the petitioner to the Tahsildar to grant permission, which was rejected *vide* Ex.P5 endorsement. Ex.P7 is the certificate of the Junior Analyst, Water Quality Monitoring Laboratory and Civil Assistant Surgeon, District Public Health Laboratory, dated 17.05.2025 and 21.05.2025. As seen from Ex.P7, the petitioner constructed the R.O. water plant and the sample was examined by the authority on 17.05.2025 and 21.05.2025.

13. The contention of learned counsel for the petitioner that no permission is required from the Gram Panchayat to construct the R.O. water plant in Sy.No.336 of Ippagunta Village, in the considered opinion of this Court, falls to ground, and in fact, it is contrary to Section 120 of the Act.

14. It is profitable to refer to Section 120 of the Andhra Pradesh Panchayat Raj Act, 1994, which is relevant is extracted herewith:

*(1) Every person intending-*

*(a) to construct or establish any factory, workshop or work-place in which it is proposed to employ-steam power, water power or other mechanical power or electrical power; or*

*(b) to install in any premises any machinery or manufacturing plant driven by steam, water or other powers as aforesaid, not being machinery or manufacturing plant exempted by rules made in this behalf, shall, before beginning such construction, establishment or installation, obtain the permission of the gram panchayat in the prescribed manner for undertaking the intended work.*

15. A plain reading of Section extracted *supra*, to operate an R.O plant by installing machinery in the premises, one must obtain permission from the Gram Panchayat. Without getting permission from the local authority, one shall not run the R.O. plant. However, in the case at hand, it is not the case of the petitioner that such permission was obtained as mandated under Section 120 of the Act, and in fact, no such permission was obtained. Thus, the contention of learned counsel for the petitioner that no such permission is required stands rejected. This Court holds that, in fact, permission under Section 120 of the Act is necessary.

16. The next point relates to the resolution said to have been passed by the Gram Panchayat. The petitioner filed Ex.P2 resolution said to have been passed by the Gram Panchayat, on 13.05.2025 *vide* resolution No.183. In view of the emphatic denial of the resolution by the respondent-authority, this Court directed the learned Standing Counsel to produce the original record relating to the resolutions, agendas and meetings. Accordingly, the original records were produced before this Court.

17. As seen from the original records, resolution No.183, dated 09.05.2025, relates to the amount payable to Clap Mitras. In fact, the resolution passed by the Gram Panchayat in respect of the petitioner to run the unit is Resolution No.190. A perusal of Resolution 190 would disclose that the petitioner has been running a unit without getting permission, and the R.O. plant is to be put into operation after getting permission from the Gram Panchayat. The said resolution was also passed on 09.05.2025.

18. This Court also perused the original books relating to the members who attended the meeting and the other book relating to Agendas. Neither a meeting was conducted on 13.05.2025, nor a resolution was passed, as pleaded by the petitioner in the affidavit and reply affidavit.

19. Learned counsel for the petitioner asserted that a resolution was passed on 13.05.2025, even by filing a reply. However, in view of the original records placed before this Court, this Court is of the considered opinion that the resolution filed by the petitioner as Ex.P2 has been created or concocted for the purpose of filing the writ petition. It is staggering to note that the petitioner filed a xerox copy of the resolution signed by the Sarpanch of the Gram Panchayat and allegedly signed by some of the ward members.

20. The Executive Authority of the Gram Panchayat is the Panchayat Secretary. Section 2(12) of the Act defines the executive authority of the Gram Panchayat as the Panchayat Secretary appointed to each Gram Panchayat. Section 32 of the Act prescribes the functions of the Executive Authority. Section 32(a) of the Act makes it clear that the Executive Authority is responsible for implementing the resolution of the Gram Panchayat or the Committee thereof. Thus, as seen from the scheme of the Act, the Panchayat Secretary is the competent authority to issue copies of resolutions. The Sarpanch had no jurisdiction to issue the xerox copy of the resolution.

21. Given the discussion, the copy of the resolution *vide* Ex.P2 filed by the petitioner as noted *supra*, is created for the filing of this writ petition. In fact, the petitioner, in the considered opinion of this court, came to the Court with unclean hands.

22. The Hon'ble Apex Court in **K.D. Sharma v. Steel Authority of India Limited and others**<sup>1</sup>, observed as under:

*“39. If the primary object as highlighted in Kensington Income Tax Commrs. [(1917) 1 KB 486 : 86 LJKB 257 : 116 LT 136 (CA)] is*

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<sup>1</sup> (2008) 12 SCC 481

*kept in mind, an applicant who does not come with candid facts and “clean breast” cannot hold a writ of the court with “soiled hands”. Suppression or concealment of material facts is not an advocacy. It is a jugglery, manipulation, manoeuvring or misrepresentation, which has no place in equitable and prerogative jurisdiction. If the applicant does not disclose all the material facts fairly and truly but states them in a distorted manner and misleads the court, the court has inherent power in order to protect itself and to prevent an abuse of its process to discharge the rule nisi and refuse to proceed further with the examination of the case on merits. If the court does not reject the petition on that ground, the court would be failing in its duty. In fact, such an applicant requires to be dealt with for contempt of court for abusing the process of the court.*

23. In **Dalip Singh v. State of Utta Pradesh and Others**<sup>2</sup>, the Hon’ble Apex Court, considering the new creed of litigants, who are far away from the truth, observed as under:

*“1. For many centuries Indian society cherished two basic values of life i.e. “satya” (truth) and “ahimsa” (non-violence). Mahavir, Gautam Buddha and Mahatma Gandhi guided the people to ingrain these values in their daily life. Truth constituted an integral part of the justice-delivery system which was in vogue in the pre-Independence era and the people used to feel proud to tell truth in the courts irrespective of the consequences. However, post-Independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings.*

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<sup>2</sup> (2010) 2 SCC 114

*2. In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final.”*

24. The other ground urged by learned counsel for the petitioner that no permission is required to dig the bore well also falls to ground, in view of the provisions of the A.P.WALTA Act.

25. Section 8 of A.P.WALTA Act prescribes the registration of wells. It is apt to extract Section 8 of the Act hereunder:

*“(1) All ground water resources in the State shall be regulated by the Authority, subject to any general or special directions issued in this behalf by the Government.*

*(2) On and from the date of commencement of this Act, the owners of all the wells including those which are not fitted with power driven pumps and water bodies in the State, shall register their wells/water bodies with the Authority in such manner as may be prescribed.”*

26. Section 10 of the WALTA Act also deals with permission for well sinking near a drinking water source. Section 15 of the WALTA Act delineates the closure of wells.

27. Section 2(1) of WALTA Act defines authority. The ‘authority’ means the Andhra Pradesh State Water, Land and Trees Authority constituted under section 3. Section 2(22) of the WALTA Act defines well. The ‘Well’ means a well sunk for the search and extraction of groundwater and includes a dug well, bore well, dug-cum-bore well, tube well, and filter point.

28. Section 7 of the WALTA Act deals with the delegation of powers. The Authority may delegate any of its powers to the [District level, Division level and Mandal level] authorities or any Department or Officer of the Government or Local Bodies for the purpose of carrying out the provisions of this Act.

29. As noted *supra*, the petitioner made an application *vide* Ex.P6 to respondent No.5 – Tahsildar seeking permission under the provisions of the WALTA Act. However, by assailing reasons, respondent No.5 - Tahsildar rejected the same by an endorsement dated 03.07.2025 (Ex.P5). The petitioner, for the reasons best known, did not challenge the endorsement Ex.P5. After rejecting the permission by an endorsement (Ex.P5), the Mandal Legal Members of the committee issued Ex.P1 notice, and thereafter, the bore well was seized as alleged by the petitioner on 27.07.2025. Thus, this Court is of the considered opinion that permission to dig a borewell is necessary, and without permission, no borewell shall be allowed to be dug.

30. The Coordinate Bench of this Court granted an order of *status quo*, which reads as follows:

*“In the meanwhile, **status quo** obtaining as on today shall be maintained by both the parties and neither party shall alter the nature of the subject property.”*

31. Thus, as seen from the material available on record, the bore well was seized on 27.07.2025, and thereafter, the same was not put into operation or used to date.

**32. Whether the petitioner’s conduct in approaching the Court with unclean hands bars the petitioner from getting relief vis-à-vis the running of R.O., a public utility?**

33. A perusal of Ex.P1, the Mandal Legal Committee pointed out that the petitioner constructed the R.O. and dug the bore-well without permission and hence, the R.O. plant was seized. However, Ex.P1 does not specify the time within which the petitioner must submit an explanation to the authority for due

consideration. The authority, before seizing the bore-well, should have provided an opportunity to the petitioner to submit an explanation, which aligns with the Principles of Natural Justice. However, no such opportunity was provided to submit an explanation, and hence, the seizing of the bore well without providing an opportunity for the petitioner to submit an explanation violates the Principles of Natural Justice.

34. Merely because the authority violated the Principles of Natural Justice, does that entitle the petitioner to relief? The petitioner, being a violator of the law, cannot be granted a premium in the form of a relief to run the unit without permission from the authority. If such a relief is granted, it amounts to perpetuating the illegality. Such a course is impermissible.

**35. Can judicial discretion be exercised in the facts of this case when there is a conflict between law and equity?**

36. It is an established principle of law that when there is a conflict between law and equity, the law must prevail. The Latin maxim "*dura lex sed lex*", which means "the law is hard, but it is the law" stands attracted in such an instance. Equity can only supplement the law, but not supplant or override it.

37. In ***Anurag Kumar Singh v. State of Uttarakhand***<sup>3</sup>, the Hon'ble Supreme Court held thus:

*"16. Judicial discretion can be exercised by a court only when there are two or more possible lawful solutions. In any event, courts cannot give any direction contrary to the statute or rules made thereunder in exercise of judicial discretion. It will be useful to reproduce from Judicial Discretion (1989) by Aharon Barak which is as follows:*

*"Discretion assumes the freedom to choose among several lawful alternatives. Therefore, discretion does not exist when there is but one lawful option. In this situation,*

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<sup>3</sup> (2016) 9 SCC 426

*the Judge is required to select that option and has no freedom of choice. No discretion is involved in the choice between a lawful act and an unlawful act. The Judge must choose the lawful act, and he is precluded from choosing the unlawful act. Discretion, on the other hand, assumes the lack of an obligation to choose one particular possibility among several.”*

38. In **Madamanchi Ramappa v. Muthaluru Bojjappa**<sup>4</sup>, the Hon’ble Apex Court at para No.12, observed as follows:

*“What is administered in courts is justice according to law and considerations of fair play and equity, however important they may be, must yield to clear and express provisions of the law.”*

39. Similarly, in **P.M. Latha v. State of Kerala**<sup>5</sup>, the Hon’ble Apex Court observed at para No.13 as follows:

*“13. Equity and law are twin brothers and law should be applied and interpreted equitably but equity cannot override written or settled law.”*

40. The act of the authority in seizing the bore well, though it violates Principles of Natural Justice as noted *supra*, there is no interim order granted in favour of the petitioner to operate the bore well from 27.07.2025 till date. Thus, issuing a Mandamus and permitting operation of the water plant, at this juncture, would not be justified. The petitioner, being a violator of the law, is not entitled to equality, and in fact, as per the expressions of the Apex Court noted *supra*, the equity cannot override the express provisions of law.

41. The other contention of learned counsel for the petitioner is that during the course of arguments, the learned Assistant Government Pleader submitted that the Tahsildar has no jurisdiction to seize the R.O./bore-well and the Gram Panchayat authorities have jurisdiction. The respondent No.5 – Tahsildar *vide* Ex.P5 rejected the permission. The Mandal Legal Committee,

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<sup>4</sup> AIR 1963 SC 1633

<sup>5</sup> [(2003) 3 SCC 541

constituted under Rule 10, took a decision to seize the bore well, pointing out the problems being faced by the neighbouring people. In fact, the petitioner dug the bore well without the permission of respondent No.5, as mandated under Section 10 of the WALTA Act. The permission sought by the petitioner was rejected by respondent No.5 *vide* Ex.P5.

**42. Whether the concession made by a counsel on a legal aspect binds the party?**

43. It is also a settled principle of law that a concession made by the counsel, if it is erroneous, doesn't bind the party. Indeed, the courts are not precluded from adjudicating the issues by applying the correct law as per the provisions of the Statutes. Such a concession will not operate as an estoppel. In fact, the answer to the point is no longer *res integra*.

44. The legal landscape regarding the binding nature of a counsel's concession on a point of law had evolved over a century ago. As early as 1917, the High Court of Calcutta in ***Secretary of State for India in Council v. Sibaprosad Jana***<sup>6</sup>, held at para 3 as follows:

*"...an erroneous administration by a counsel on a point of law is of no effect and does not preclude the party from claiming his legal rights in the appellate Court..."*

45. This principle was further clarified by the High Court of Calcutta in ***Union of India v. Official Liquidator and Anr.***<sup>7</sup>, where it was observed that the Court's duty is to apply the correct law, regardless of a counsel's admission:

*"6. To the same effect is the decision of the Judicial Committee to which our attention has been drawn by Mr. Roy and which is reported in **Societe Beige de Banque v. Girdhari Lal Chowdhury, AIR 1940 PC 90**. In this case Lord Atkin laid down the proposition that*

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<sup>6</sup> AIR 1919 Cal 972

<sup>7</sup> AIR 1963 Cal 214

*a counsel's admission on a point of law cannot be binding upon a Court and the Court is not precluded from deciding the right of the parties on a different view of the law. At page 92 Lord Atkin J. observed as follows:*

*“Their Lordships find it difficult to believe that there was some misunderstanding on appeal as to the acceptance by counsel for the bank of all the trial judge's findings. But if counsel did accept such a finding it could only amount to an admission on a point of law which cannot be binding upon a Court: and their Lordships do not consider themselves precluded from deciding the rights of the parties on a different view of the law.”*

46. The Hon'ble Supreme Court has consistently fortified this view. In ***Uptron India Ltd. v. Shammi Bhan***<sup>8</sup>, the Apex Court held that a wrong concession made by a counsel on a question of law does not bind the party and cannot create an estoppel. This was reiterated in ***Central Council for Research in Ayurveda & Siddha v. Dr. K. Santhakumari***<sup>9</sup>, where the Court held at paragraph No.12 as follows:

*“12. .... If the learned counsel has made an admission or concession inadvertently or under a mistaken impression of law, it is not binding on his client and the same cannot enure to the benefit of any party.”*

47. Further, in ***Himalayan Cooperative Group Housing Society v. Balwan Singh***<sup>10</sup>, the Supreme Court discussed the extent of a lawyer's authority, at para 32 as follows:

*“32. Generally, admissions of fact made by a counsel are binding upon their principals as long as they are unequivocal; where, however, doubt exists as to a purported admission, the court should be wary to accept such admissions until and unless the counsel or the advocate is*

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<sup>8</sup> (1998) 6 SCC 538

<sup>9</sup> (2001) 5 SCC 60

<sup>10</sup> (2015) 7 SCC 373

*authorised by his principal to make such admissions. Furthermore, a client is not bound by a statement or admission which he or his lawyer was not authorised to make. A lawyer generally has no implied or apparent authority to make an admission or statement which would directly surrender or conclude the substantial legal rights of the client unless such an admission or statement is clearly a proper step in accomplishing the purpose for which the lawyer was employed. We hasten to add neither the client nor the court is bound by the lawyer's statements or admissions as to matters of law or legal conclusions...."*

48. No doubt, the petitioner violated the provisions of the Act and AP WALTA Act, 2002. However, this Court should not be oblivious of the fact that the petitioner sets up an R.O., a necessity to the public at large. The Junior Analyst and the Civil Assistant Surgeon certified the quality of the water *vide* Ex P.7.

49. This Court must emphasise that access to clean and safe drinking water is not a mere luxury, but a fundamental facet of the Right to Life guaranteed under Article 21 of the Constitution of India. The State and its instrumentalities are under a constitutional and fiduciary obligation to ensure that the citizens, particularly in rural areas, have access to potable water.

50. This Court is reminded of the observations made by the Apex Court in **Roshan Deen v. Preeti Lal**<sup>11</sup>, hereunder:

*"12. We are greatly disturbed by the insensitivity reflected in the impugned judgment rendered by the learned Single Judge in a case where judicial mind would be tempted to utilize all possible legal measures to impart justice to a man mutilated so outrageously by his cruel destiny. The High Court non-suited him in exercise of a supervisory and extraordinary jurisdiction envisaged under Article 227 of the Constitution. Time and again this Court has reminded that the power conferred on the High Court under Articles 226 and 227 of the Constitution is to advance justice and not to thwart it (vide State of*

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<sup>11</sup> (2002) 1 SCC 100

*U.P. v. District Judge, Unnao [(1984) 2 SCC 673 : AIR 1984 SC 1401] ). The very purpose of such constitutional powers being conferred on the High Courts is that no man should be subjected to injustice by violating the law. The lookout of the High Court is, therefore, not merely to pick out any error of law through an academic angle but to see whether injustice has resulted on account of any erroneous interpretation of law. If justice became the by-product of an erroneous view of law the High Court is not expected to erase such justice in the name of correcting the error of law.”*

51. While this Court is mindful of the fact that the petitioner has approached this Court with unclean hands and has bypassed statutory mandates under the AP WALTA Act and the AP Panchayat Raj Act, the larger public interest and the welfare of the villagers of Ippagunta cannot be sacrificed due to the violations of the procedural technicalities. When substantial justice and technical considerations are pitted against each other, one should prioritise the substantial justice. In a choice between strictly penalising a law-violator and ensuring the continued supply of an essential life resource to the public, the scales of justice must tilt toward the latter. The welfare of the people is the supreme law (*Salus populi est suprema lex*). It is this public importance and the necessity of ensuring drinking water supply that compels this Court to take a pragmatic view, ensuring that while the law is upheld, the public should not be deprived of a basic necessity.

52. Given the discussion *supra* and facts and circumstances of the case, this Court holds that the petitioner constructed an R.O. water plant and dug a bore-well without getting permission from the respective authorities as per the enactments, referred to *supra*. Though the petitioner approached the equity Court with unclean hands vis-à-vis Ex.P2 resolution, keeping in view the necessity and importance of water, as also the welfare and well-being of the public in the village, being the facet Right to Life, the Writ Petition is disposed of with the following directions:

(i) Ex.P1 notice issued by the committee be treated as a show-cause notice.

(ii) The petitioner shall submit an explanation, by annexing all the relevant documents, within 15 days from the date of receipt of a copy of this order.

(iii) Thereafter, the learned respondent No.5 shall consider the explanation and pass a reasoned order, if necessary, by providing an opportunity of hearing to the petitioner, within 15 days thereafter, and communicate the same to the petitioner.

(iv) If the petitioner makes an application to the concerned authority seeking permission, the authority concerned shall consider the same strictly as per the provisions of the Acts in vogue.

No order as to costs.

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

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**JUSTICE SUBBA REDDY SATTI**

Date: 07.05.2026  
TVN

**THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**

**WRIT PETITION NO: 20892 of 2025**

Date: 07.05.2026  
TVN