

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.40904 of 2015

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ORDER:

Heard.

This writ petition is directed against the order of the 3rd respondent in ordering seizure of the bore well of the petitioner under Section 15 of the WALTA Act, 2002 (for short 'the Act').

Learned counsel for the petitioner states that notice appears to have been given to the son of the petitioner viz., Chiluka Venkanna and the petitioner was not aware of the same nor her son informed her and on the contrary, her son is stated to have informed the 3rd respondent that he is not having any land and no illegal bore well dug by him. In view of there being no explanation, the impugned order is passed.

Evidently, the order impugned is under Section 15 of the Act and appealable under Section 33 of the Act and no ground is made out to entertain the writ petition against the said order. It may be true that the petitioner was not aware of the proceedings on account of the relationship being not cordial between her and her son. However, the petitioner being an affected party, as alleged, can as well file an appeal and seek appropriate orders from the appellate authority.

Learned counsel for the petitioner, at this stage, made an alternative request that there are standing crops, which are ready for harvest and that the petitioner may be permitted to harvest the crops in the presence of the 3rd respondent or his subordinates, within a period of two weeks and in the meanwhile, the petitioner would prefer an appeal against the impugned order as permitted under the Act. The petitioner, therefore, seeks that seizure of the bore well being affected under the impugned order, the same may be lifted for one week within which time the petitioner makes arrangements to harvest the crops.

Learned Government Pleader has not opposed the said request.

Hence, the 3rd respondent is directed to lift the seizure of the bore well in the presence of the petitioner for a period of one week, so as to enable the petitioner to harvest the crops and thereafter, seize the bore well after one week and await for the orders, if any, passed by the appellate authority in the appeal proposed to be filed by the petitioner against the impugned order.

Accordingly, the writ petition is disposed of. No costs

Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date:17-12-2015

Prv

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17.12.2015

Prv