

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.3500 OF 2012

ORDER:

Heard the learned counsel for the petitioner and the standing counsel.

The writ petition is filed complaining inaction against 1st respondent in passing order or taking action on the application dated 01.02.2012 to prevent respondents 2 and 3 from demolishing the existing drainage and sewerage at Karkhana. as illegal and arbitrary.

The learned standing counsel submits that the representation dated 01.02.2012 as well as the writ petition is filed on mere apprehensions and on field inspection, it transpired that the sewerage line against which the complaint is made in the writ petition is intact. Further the petitioner and respondents 2 and 3 if have any dispute, the same is a pure and simple civil dispute and for that purpose the writ petition in the name of inaction is not maintainable.

I have perused the material available on record.

No doubt, a representation is stated to have been made to the 1st respondent but the representation ought to contain a grievance. By placing on record the stand of the learned standing counsel, I find that the cause of action complained even against the disposal of the representation does not survive. The petitioner if has any grievance vis-à-vis the acts of commission or omission of respondents 2 and 3, the same is a matter of civil dispute between the parties. By leaving it open to the petitioner to work out available civil remedy against cause

of action vis-à-vis respondents 2 and 3, the writ petition is dismissed.

No order as to costs.

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

S.V.

BHATT,J

DATE: 27.01.2015

Stp