

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.27704 of 2015

ORDER:

Heard.

This writ petition is directed against the notice, dated 22-08-2015 issued by the 3rd respondent. It appears that the petitioner as well as the 4th respondent made complaints against each other with regard to digging of unauthorized bore well and the same are stated to be pending with the 3rd respondent. The petitioner herein alleges that he was given a notice on 22-08-2015 on the complaint of the 4th respondent. But, without enquiring into the petitioner's complaint against the 4th respondent, the 3rd respondent is trying to take coercive steps against the petitioner. The petitioner also states that he has given detailed explanation to the notice and the matter is required to be enquired into by the 3rd respondent, but in the meanwhile, if coercive action is taken, the standing crops of the petitioner would be affected.

In view of the fact that the 3rd respondent has jurisdiction to issue notice whenever he is informed of violation of Section 15 of the WALTA Act by any person, I do not consider it appropriate to entertain the writ petition. However, the 3rd respondent shall enquire into the complaint of the petitioner as well as of the 4th respondent by calling for explanations from both of them and since the petitioner has already submitted explanation, consider both the complaints and then pass appropriate orders and communicate the same to the petitioner.

Consideration by the 3rd respondent, as directed above, shall be by a reasoned order and if necessary, it is open for him to give an opportunity to the petitioner and the 4th respondent to seek regularisation of Bore Well if either of them make an application for grant of permission at least now.

Accordingly, the writ petition is disposed of. No costs.

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

Date: 31-08-2015
Prv

VILAS V.AFZULPURKAR, J

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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31-08-2015

Prv

