

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.34422 of 2016

O R D E R:

Petitioners challenge notice dated 29.09.2016 issued under Section 6 of Act 3 of 1905 as illegal and contrary to principles of natural justice.

Learned Government Pleader for Revenue appearing for Respondents 3 and 4 submits that petitioners, if so advised, can certainly file appeal against notice dated 29.09.2016 and work out the remedies. No circumstance is made out for invoking the jurisdiction of this Court under Article 226 of the Constitution of India.

Mr. Venkata Prasad, learned counsel for petitioners tried to persuade this Court to consider the legality or otherwise against the notice dated 29.09.2016. *Prima facie*, this Court is of the view that the remedy of appeal is effective and efficacious. However, while relegating the petitioners to avail the remedy of appeal, the apprehension of demolition by respondents cannot be overlooked.

Having regard to these circumstances, the Writ Petition is disposed of by this order:

- a) Petitioners are given liberty to avail the remedy of appeal within four weeks from today.
- b) The notice impugned in the Writ Petition is suspended for a period of eight weeks from today.
- c) Petitioners to obtain further orders from the appellate authority, in the meanwhile.

There shall be no order as to costs.

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

S.V.BHATT,J

06th October 2016

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