

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.3623 OF 2016

ORDER:

Heard.

The petitioner questions notice dated 27.01.2016-Ex.P.1 issued by the 3rd respondent on two grounds. Firstly, the dispute is in the nature of civil dispute between him and the 4th respondent and secondly that identical notice was issued earlier by the 3rd respondent on 29.12.2015 to which he gave a detailed reply on 08.01.2016. Thereafter, no orders are passed.

Learned counsel for the petitioner submits that the matter is purely civil in nature and therefore, the Tahsildar has no jurisdiction to entertain the complaint filed by the 4th respondent. Even otherwise, the notice does not refer to any provision of law.

I am not inclined to entertain the writ petition merely on the aforesaid grounds. In view of the fact that the petitioner has filed detailed explanation on 08.01.2016 and placed similar contention therein that whether the subject matter of the complaint falls within the jurisdiction of the 3rd respondent, is a matter which the 3rd respondent can as well examine and take appropriate decision at this stage. Mere giving of notice to the petitioner to appear for enquiry and submit his explanation cannot be said to affect any of his rights. Let the 3rd respondent consider the explanation of the petitioner and take appropriate decision in the matter and communicate the same to the petitioner.

With the above observation, the writ petition is dismissed. There shall be no order as to costs.

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

VILAS V.AFZULPURKAR, J

08.02.2016
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DATE: 08.02.2016

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