

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.9575 of 2012

ORDER:

Heard petitioner and no representation for respondent.

The petitioner challenges notice, dated 20-03-2012, issued under Section 320 of the Cantonment Act, 2006 as illegal and contrary to Cantonment Act, 2006.

On 04-04-2012, this court granted stay of demolition of constructions at subject cite. At request of respondent, the matter underwent a few adjournments. From the record, it appears that the respondent is yet to file counter affidavit.

Be that as it may, the petitioner challenges notice dated 20-03-2012 on factual as well as legal grounds. It is not the case of petitioner that the respondent does not have inherent jurisdiction to issue notice impugned in the writ petition.

After perusing the writ affidavit, this court is of the view that the petitioner can be given liberty to submit representation/explanation to the notice impugned in the writ petition and the respondent is directed to dispose of the same, in accordance with law.

Therefore, I am satisfied that the writ petition can be disposed of by this order.

“The petitioner is given 15 days time from the date of receipt of a copy of this order to submit representation/explanation to the notice dated 20-03-2012. The respondent is directed to consider and dispose of the notice by advertng to the representation/explanation given by

petitioner in accordance with law, within a period of three months thereafter. The interim stay of demolition granted on 04-04-2012 shall be maintained till the decision is taken and communicated to petitioner.”

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

S. V. BHATT, J

Dt: 20-07-2016

Prv

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