

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.12204 OF 2010

ORDER:

The relief sought for in this Writ Petition is for a mandamus to declare the action of the first respondent, in restraining the petitioners from operating the bore-well dug by them in their own premises without passing any orders on the explanation submitted by them on 26.04.2010, as arbitrary and illegal.

By an interim order dated 21.07.2010 this Court, while directing the respondents not to interfere with the bore-wells and drawing of water therefrom in the premises of the petitioners, made it clear that, having regard to the explanation already filed by the petitioners, the respondents were not precluded from passing appropriate orders, pursuant to the notice dated 22.04.2010, in accordance with law.

The petitioners' grievance in this Writ Petition is that, without passing any order pursuant to the notice issued by them on 22.04.2010 and without considering the petitioners' explanation dated 26.04.2010, the respondents were interfering with the operation of the bore-well by the petitioners. Sri A.Dattanand, learned counsel for the petitioners, expresses ignorance of whether or not an order was passed by the authorities subsequently.

As more than seven years have elapsed since the Writ Petition was filed and the interim order was granted, suffice it to direct the respondents, in case no orders have been passed pursuant to the notice dated 22.04.2010, to consider the petitioners' reply thereto vide letter dated 26.06.2010, and pass a reasoned order in accordance with law. Till orders are passed, the

respondents shall not take any coercive steps against the petitioners herein. In case orders have already been passed by the respondents, and if the petitioners are aggrieved thereby, it is always open to them to avail their legal remedies.

The Writ Petition stands disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, ACJ)

30th November 2017
RRB

