

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.18605 of 2017

ORDER:

The petitioner challenges the notice dated 01.03.2017, primarily on the ground that the land where the bore well is dug vests with Gram Panchayat and a resolution was passed permitting petitioner to draw water; secondly, that in the neighbourhood or in the same survey number there are as many as 11 unauthorised bore wells and no action is initiated. The petitioner is discriminated, more particularly, when drawing water is not causing hardship to any one, by issuing notice impugned in the writ petition.

2. This court is of the view that the notice has been issued as a matter of course and the bore well has been dug by petitioner by following the example of others. The 2nd respondent is expected to treat all similarly situated persons alike but not single out the petitioner. Further, if the petitioner has permission from the local body, the same is also required to be examined by 2nd respondent. The petitioner if obtained permission from the 2nd respondent also. The on going arrangement *ipso-facto* can be legalised.

3. In the circumstances referred to above, this court is of the view that the 2nd respondent is competent to pass appropriate orders comprehensive or on the aspects referred to above. Therefore, the petitioner is given liberty to represent to 2nd respondent with appropriate prayers and 2nd respondent is directed to consider representation and pass order on the request of petitioner before proceeding further in this behalf. The said exercise shall be undertaken and completed within two months from today.

4. The writ petition is, accordingly, disposed of. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S.V.BHATT, J

Date: 09.06.2017
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