

THE HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.12731 of 2016

ORDER:

Heard and perused the records.

2. The present Writ Petition came to be filed seeking issuance of writ of Mandamus declaring the impugned orders of the second respondent in RC.No.C/ 2186/ 2016, dated 18.03.2016 in closing and seizing the borewell of the petitioner at the instance of the third respondent without any authority, jurisdiction and conducting proper enquiry as violative of due procedure contemplated under WALTA Act, 2002.

3. Though various grounds are raised, learned counsel for the petitioner submits that the show cause notice and the impugned order came to be passed on the same day i.e., on 18.03.2016. It is submitted that without giving any opportunity to submit explanation, the impugned order came to be passed. He further submits that pursuant to the show cause notice dated 18.03.2016, the petitioner submitted his explanation on the same day, but without considering the same, the impugned order is passed. The said fact is not seriously disputed by the learned Government Pleader for Revenue as well as contesting respondent.

4. Having regard to the above, the order under challenge is set aside and the matter is remanded back to the second respondent directing him to pass orders afresh, after considering the objections raised by the petitioner, in accordance with law. It is needless to mention that, if necessary, personal hearing may also be given. Till such time, *status-quo* as on today to be maintained with regard to functioning of the borewell. Further the entire

exercise shall be completed as early as possible preferably within a period of four weeks from the date of receipt of a copy of the order.

5. With the above direction, the writ petition is disposed of. No costs.

Miscellaneous petitions, pending if any, shall stand closed in the light of this final order.

16.03.2017
vhb

JUSTICE C. PRAVEEN KUMAR

