

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.23400 of 2017

ORDER:

The prayer of petitioners is against inaction of respondents in considering and disposing of the representation dated 05.06.2017. The petitioners refers to the alleged obstruction of streamlet by respondents 6 and 7, whereby resulting in obstruction to free flow of water to petitioners' land.

2. The Assistant Government Pleader (Irrigation) firstly submits that the representation is not given to respondents 4 and 5 and secondly, before deciding whether the streamlet is subjected to obstruction or not, an enquiry has to be conducted in this behalf.

3. I have heard the learned counsel and perused the material on record. *Prima-facie* I am satisfied, since the prayer is against inaction, the 5th respondent can be directed to entrust the grievance of petitioners to the Executive Engineer, who has jurisdiction, to enquire into the matter and pass orders, within four months from the date of receipt of a copy of this order. The petitioners are given liberty to resubmit the representation by enclosing a copy of this order to the 5th respondent for action as directed by this court. The Officer who enquires into the grievance of the petitioners, it is made clear affords opportunity of hearing to petitioners and respondents 6 and 7 as well.

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: 17.07.2017
BSS

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