

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.19105 of 2017

ORDER:

The petitioner challenges the notice R.C.No.507/ 2017-A dated 08.06.2017. The petitioner does not challenge the notice on complete lack of jurisdiction, but the lack of jurisdiction is attributed on account of the fact that the channel passes through the private patta land.

2. I have taken note of the objections and *prima-facie* to appreciate the ground on which the notice is challenged, the location and the manner in which the channel passing through etc. are to be considered and a decision is arrived at by 3rd respondent. Without a finding of fact of assertion now canvassed by the petitioner, this court is of the view that the challenge to a notice is not made out.

3. Hence, the petitioner is given liberty to raise all objections against the notice dated 08.06.2017 within two weeks from today and the 3rd respondent is directed to consider each one of the objections, if necessary conduct physical inspection of the site and pass the order within two weeks thereafter. The petitioner is given liberty to challenge the order if adverse to his interest or pursue the remedy of a suit before the competent court. The parties are directed to maintain *status quo* for a period of four weeks.

4. With the above observation, the writ petition is 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: 14.06.2017
BSS

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