

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.18072 of 2017

ORDER:

The endorsement impugned in the writ petition can be treated as an order rejecting the petition of the petitioner for appropriate action under WALTA Act (for short 'the Act').

2. This court is of the view that the endorsement, though refers to closing the complaint, still it is an order rejecting the prayer made by the petitioner. Therefore, the remedy of appeal under the Act can be pursued. The petitioner was subjected to a notice under the Act for digging a bore well in his land. It is needless to observe that the petitioner can take all legal and factual objections available in this behalf in his reply to the notice. The Tahsildar/ 2<sup>nd</sup> respondent is under obligation to enquire into and pass orders in accordance with law but not follow the precedent of endorsement impugned in the writ petition.

3. By giving liberty to the petitioner to avail the remedy of appeal under the Act, 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.

Date: 07.06.2017  
BSS

S.V.BHATT, J

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