

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.934 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking to declare the action of the 2nd respondent in attempting to seize the bore well of the petitioner sunk in his agricultural land without disposing the explanation of the petitioner dated 23.05.2016 in pursuance to the notice dated 19.06.2016 as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue for respondent No.2. With their consent, the Writ Petition is disposed of at the stage of admission itself. Since this Court is not venturing to adjudicate the case on merits, there is no necessity to put respondent No.3 on notice.

It is the grievance of the petitioner that though he submitted an explanation on 23.05.2016 in pursuance to the notice No.B/409/2016 dated 19.06.2016 issued by the 2nd respondent under WALTA Act, 2002, without considering the same, the 2nd respondent is attempting to seize the bore well of the petitioner sunk in his agricultural land.

Learned AGP would submit that a suitable direction may be given to the 2nd respondent to pass appropriate orders on the explanation submitted by the petitioner, in accordance with law.

Having regard to the rival submissions made, the Writ Petition is disposed of directing the 2nd respondent to pass appropriate orders on the explanation submitted by the petitioner on 23.05.2016 in pursuance to the notice dated 19.06.2016, in accordance with law, as early as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Till such time, the 2nd respondent-Tahasildar shall not take any coercive steps of seizure of the borewell of the petitioner situated in Survey Nos.342 and 428 of Damera Village.

Miscellaneous petitions pending in this petition, if any, shall stand closed. No costs.

Date: 06.01.2017
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C. PRAVEEN KUMAR, J

