

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.19640 of 2018

ORDER:

The petitioners pray for the following relief:

“.....Writ of Mandamus declaring the action of the 3rd respondent/Tahsildar in not conducting enquiry by giving notice and opportunity to the petitioners as per the orders of the Hon'ble High Court in W.P.No.10650/2008 dt.10-12-2013 is illegal, arbitrary, malafide and motivated and consequently direct the 3rd respondent/Tahsildar to conduct enquiry by giving notice and opportunity to the petitioners and pass appropriate order.....”

The grievance now raised by the petitioners can completely be termed as non-existing or unreasonable inasmuch as, this Court while disposing of W.P.No.10650 of 2008 directed the 3rd respondent to follow the procedure stipulated by law under Section 6 of the Land Encroachment Act, 1905 and till then directed maintenance of *status quo*.

Though time is not stipulated for undertaking the exercise as directed by this Court, as per Writ Rule No.21, the authorities are required to comply with the order within two (02) months from the date of receipt of copy of this order.

The inaction, though not a cause to consider under Article 226, but appears to be a case for filing Contempt under Contempt of Courts Act, 1971. The petitioners have valid reasons for not invoking the jurisdiction of Contempt, as the issue is still pending with the 3rd respondent.

This Court is of the view that the above observations are made to ensure that the 3rd respondent atleast now passes orders as are directed by this Court in W.P.No.10650 of 2008. The petitioners' possession if is interfered with and disturbed by 3rd party strangers, it is open to the petitioners to move the Civil Court for reliefs, as are appropriate.

Writ petition is accordingly disposed of. No order s to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 14.06.2018
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