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**(2024) 11 UK CK 0089**

**Uttarakhand High Court**

**Case No:** Writ Petition Miscellaneous Single No. 3061 Of 2024

Ankur Agarwal

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

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**Date of Decision:** Nov. 8, 2024

**Acts Referred:**

- Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 152
- Code Of Criminal Procedure, 1973 - Section 133

**Hon'ble Judges:** Pankaj Purohit, J

**Bench:** Single Bench

**Advocate:** S.R S Gill, Anil Dabral

**Final Decision:** Dismissed

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**Judgement**

Pankaj Purohit, J

1. Heard learned Counsel for the parties.

2. By means of this writ petition, petitioner has put to challenge the order dated 06.09.2024 passed by respondent no.2-SDM Bazpur in Misc. Case

No.11/05 year 2024 under Section 152 of Bhartiya Nagarik Suraksha Sanhita (Section 133 Cr.P.C.) whereby petitioner was issued a show cause

notice to appear before respondent no.2 to submit why the order be not passed against him for removing the nuisance being created by running of

stone crusher and water flown thereby in the fields damaging the crops.

3. Since the petitioner has challenged the show cause notice purportedly issued under Section 152 of BNSS, this Court is not inclined to interfere in the

matter. The appropriate course for the petitioner would be to appear before respondent no.2 and submit his case. The Court is also of the opinion that

it is not such a case where extraordinary powers vested in it can be exercised.

4. The petition is, accordingly, dismissed at the threshold itself. Pending application, if any, stands disposed of.