

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 380 OF 2015

Sadashiv Bhonaji Rao

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioner.

Shri G. K. Thigle, A.G.P. for Respondent Nos. 1, 3 and 4.

Shri Ashok B. Tele, Advocate for the Respondent No. 2.

Shri Y. K. Bobade, Advocate h/f Shri S. S. Tope, Advocate for the Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.**

DATE : 13TH JANUARY, 2015.

PER COURT :

. Mr. Jadhavar, the learned counsel submits that, the Committee has cancelled and confiscated the tribe certificate of the petitioner without hearing the petitioner and without notice to the petitioner.

2. Mr. Tele, the learned counsel for the respondent No. 2/Committee submits that, the documents itself were so explicitly clear that, no other view was possible. The order has been rightly passed by the Committee.

3. It is trite that, when an order prejudicial to the interest of any party is passed, the adherence to the principles of *audi alteram partem* is must. In the present case, the impugned order is passed without notice to the petitioner and without hearing to the petitioner. As such, the order cannot be sustained.

4. In the light of the above, the impugned order passed by the respondent No. 2/Committee is quashed and set aside. The committee after hearing the petitioner shall consider and decide the said aspect afresh. The petitioner shall appear before the Committee on 02.02.2015. The writ petition is accordingly disposed of. No costs.

5. It is made clear that, we have not considered the merits of the contentions of either of the parties. The same are kept open.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]