

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

WRIT PETITION NO. 1814 OF 2012

Vijay Baburao Thakur .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri S. R. Barlinge, Advocate for the Petitioner

Shri P. N. Mule, A. G. P. for the Respondent No. 1

Shri Patil, Advocate for the Respondent No. 2

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

DATE : 18TH FEBRUARY, 2015.

PER COURT :

1) Mr. Barlinge the learned counsel submits that, the committee has cancelled and confiscated the tribe claim of the petitioner on technical grounds, even without hearing the petitioner.

2) Mr. Patil the learned counsel for the Committee submits that, documents on record are so explicitly clear that no other view was possible.

3) Whenever an order adverse to the interest of any party is passed minimum requirement of adherence to the principles of natural justice is mandatory. In the present case the impugned order is passed without hearing the petitioner and without notice to the petitioner. Such an order can not be sustained.

4) In light of the above the impugned order is quashed and set aside. The petitioner is relegated before the committee. The committee after hearing the petitioner shall decide about the said aspect afresh. All contentions of respective parties kept open. The petitioner shall appear before the committee on 11th March, 2015. Writ petition is disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]