

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 1712 OF 2015

KARTARSING KASHIRAM SABLE
 VERSUS
 THE STATE OF MAHARASHTRA AND OTHERS
 WITH
 WRIT PETITION NO. 1733 OF 2015

KARTARSING TULSHIRAM SABLE
 VERSUS
 THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Jadhavar Pratap V.

AGP for Respondents-State: Mr. V. D. Rakh

Advocates for the Committee: Mr. A. B. Tele and Mr. P. S. Patil

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

DATE : 13th February, 2015

PER COURT :

1. Mr. Jadhavar, the learned counsel for the petitioners submit that tribe certificate has been cancelled and confiscated by the committee without hearing the petitioner and without notice to the petitioner. The learned counsel for the respondent committee submits that the facts on record were so explicitly clear that no other view was possible and the order is rightly passed.

2. It is settled proposition of law that whenever an order prejudicial to the interest of any party is passed, principles of natural justice are required to be adhered. The impugned order is passed without notice to the petitioner and without hearing the petitioners. The said order cannot be sustained.

3. In the light of above, we pass following order:

- i. The impugned order is quashed and set aside. The Respondent Committee shall, after hearing the petitioners, pass orders in respect of

the said aspect, afresh.

ii. The petitioners shall appear before the committee on 9th March, 2015.

iii. Writ petitions accordingly disposed of. No costs.

(V. L. ACHLIYA, J.)

(S. V. GANGAPURWALA, J.)

JPC