

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3594/2015

(RATTAN INDIA POWER LIMITED & ANOTHER **VERSUS** THE COLLECTOR, AMRAVATI & ANR)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri S.P. Dharmadhikari, Senior Counsel with Shri Shyam Dewani,
 counsel for the petitioners.
 Shri A.D. Sonak, A.G.P. for the R-1 & 2.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : JULY 10, 2015.

By this petition, the petitioners impugn the communication of the Tahsildar, Amravati dated 02.06.2015 directing the petitioners to pay a penalty under Section 48(7) of the Maharashtra Land Revenue Code, 1966 to the extent of Rs.4,56,43,500/-.

Inter alia, it is submitted on behalf of the petitioners that before passing the impugned order, the petitioners were not afforded any opportunity whatsoever. It is submitted that no proceedings were initiated against the petitioners under Section 48(7) of the Code and no show cause notice was served on the petitioner before the impugned order was passed.

Shri Sonak, the learned Assistant Government Pleader, admits on instructions that the proceedings under Section 48(7) of the Code were not initiated against the petitioners and the petitioners were also not served with a show cause notice before the impugned orders were passed.

Since there is a breach of principles of natural justice and since it was necessary for the respondents to have granted an opportunity to the petitioners before imposing the penalty under Section 48(7) of the Code, the impugned order cannot be sustained.

Hence, for the reasons aforesaid, the writ petition is partly allowed. The impugned order is quashed and set aside. The respondents are, however, free to take appropriate action in accordance with law.

Order accordingly. No costs.

JUDGE

JUDGE

APTE