

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

NAGPUR BENCH, NAGPUR

WRIT PETITION NO.5956 OF 2014

Randhir Shankarrao Choudhari,
Aged about 66 years, Occ. Stamp
Vendor, r/o. Warud, Tq. Warud,
Distt/. Amravati.

..... **PETITIONER**

// VERSUS //

1. State of Maharashtra,
Through the Stamp Collector,
Amravati, Distt. Amravati.

2. Deputy Inspector General &
Controller of Stamps, c/o.
Bhaiyyasaheb Thakare
Building, Ground Floor,
Mangilal Plot, Camp,
Amravati.

3. Sub-Registrar for Stamps/
Tahsildar, Tahsil Camps,
Warud, Tq. Warud, Distt.
Amravati.

..... **RESPONDENTS**

Mr.M.A.Vaishnav, Adv. for the Petitioner.
Mrs.Kalyani Deshpande, A.G.P. for Respondent Nos.1 & 2.

CORAM : B. R. GAVAI &
MRS. MRIDULA BHATKAR, JJ.
DATE : 2.2.2015.

ORAL JUDGMENT (Per B. R. Gavai, J) :

1. Rule. Rule made returnable forthwith. Heard by consent.
2. The petitioner has approached this Court being aggrieved by order dated 30th April, 2014 thereby cancelling the stamp vendor license of the petitioner. The petition deserves to be allowed on the short ground.
3. It is the contention of the petitioner that the impugned order has been passed without issuing show cause notice to the petitioner and as such, the same is vitiated by non-observance of principles of natural justice.
4. Perusal of the impugned order so also the affidavit-in-reply filed on behalf of the State would reveal that, prior to issuance of the

impugned order, the petitioner was neither issued any show cause notice nor was he given any opportunity of being heard.

5. By now it is a settled principle of law that every order invalidating adverse civil consequence should be preceded by the principles of natural justice; unless the law specifically provides for exclusion of principles of natural justice. In the present case, nothing is pointed out so as to exclude applicability of principles of natural justice. In that view of the matter, the impugned order is quashed and set aside. The respondents are directed to issue show cause notice to the petitioner giving an opportunity of hearing to him and thereafter, pass appropriate orders in accordance with law. The said exercise shall, in any case, be completed within a period of two months from today.

6. It is made clear that nothing observed hereinabove should be construed as observed on the merits of the matter and the Authority would be free to decide the matter in accordance with law.

With the above observations and directions, the Writ Petition is disposed of. No order as to costs.

JUDGE

JUDGE

jaiswal