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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.631 OF 2016

Urmila Hanumant Jagtap

PETITIONER

Age - 40 years, Occ - Sarpanch / Housewife

R/o Bhavanwadi, Taluka and District - Beed

VERSUS

1. The State of Maharashtra
Through Secretary,
Rural Development Department,
Mantralaya, Mumbai
2. Additional Collector,
Collector Office, Beed
3. The Gram Sevak Grampanchayat Office,
Njavamwadi, Taluka and District - Beed
4. Sujata Gangaram Bhosle
Age - 30 years, Occ - Sarpanch
5. Pushpa Babasaheb Rathod,
Age - 31 years, Occ - Gram Panchayat Member
6. Mankarnika Vijay Jagtap
Age - 45 years, Occ - Grampanchayat Member
7. Kaushalya Pralhad Jagtap
Age - 47 years, Occ - Grampanchayat Member
8. Rajendra Narayan Shinde,
Age - 38 years, Occ - Grampanchayat Member
9. Hanumant Manohar Jagtap,
Age - 45 years, Occ - Grampanchayat Member
- Respondents No.4 to 9
R/o Bhavanwadi, Taluka and District - Beed

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Mr. S. G. Kawade, Advocate for the petitioner
Mr. S. K. Tambe, AGP for respondent-State
Mr. P. D. Suryawanshi, Advocate for respondents No.4 to 8
Mr. D. B. Kale, Advocate for respondent No.9

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[CORAM : SUNIL P. DESHMUKH, J.]
DATE : 2nd MAY, 2016

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally with consent of learned advocates for the parties.

2. The petitioner takes exception to Order dated 12th January, 2016 passed by Additional Collector, Beed on application of even date moved by the petitioner praying for sending documents to hand writing expert for his opinion.

3. It is contended that the order is too *terse* to show any application of mind. Neither any hearing has preceded the order nor any opportunity of hearing has been given to the petitioner. According to learned advocate for the petitioner, the impugned order is a non speaking one.

4. Learned advocate for the respondents No.4 to 8 state that the application has been intended to procrastinate the proceedings. However, he is not in a position to support the order by any cogent material that the order is a reasoned one or a speaking order.

5. Even learned AGP is also not in a position to support the order by any reasonable excuse to the form in which the order is passed.

6. Perusal of the impugned order shows that there is only one word “नामंजूर” (Rejected). The order does not depict any reason for passing such an order. Although it is contended to be an order, it does not appear to contain the requisites having preceded to acquire sanctity of a quasi judicial order .

7. Having regard to aforesaid, the parties reconcile to that the application deserves to be reconsidered.

8. In the circumstances, the impugned order, as appearing on page 68 of the writ petition is set aside. Application filed on 12th January, 2016 for sending documents to handwriting expert for opinion, stands restored for reconsideration by the authority in accordance with law and facts of the case after affording opportunity of hearing to all the concerned.

9. Writ petition, as such, stand allowed. Rule is made absolute in aforesaid terms.

[SUNIL P. DESHMUKH, J.]