

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1730 OF 2013

SUNIL UTTAM KHADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. S. S. Thombre.
AGP for Respondent Nos.1,2, 4 & 5 : Mr. V. D. Rakh.
Advocate for Respondent No.3 : Mr. B. B. Bhise, Advocate h/f Mr. D.J.
Choudhary.

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CORAM : S. V. GANGAPURWALA &
A. M. BADAR, JJ.

DATE : 22nd FEBRUARY, 2016.

PER COURT:

1] Mr. Thombre, learned counsel submits that the President of the Administrative Board of the BDCC Bank issued a letter to the SDO, directing to put charge over the property of the petitioner or his relatives. The petitioner as yet has not been made liable to pay any amount. Only departmental enquiry is pending. The said order is illegal.

2] Learned AGP states that regarding misappropriation of huge amount, the departmental enquiry is pending. Even a criminal case is filed against the petitioner.

3] We have perused the order. The order only directs the SDO to put charge over the property of the petitioner and his relatives and submit a report to his office. No property over which the charge is to be put is detailed in the order. It also nowhere transpires that specific property of the petitioner has been charged.

4] The petition is filed on apprehension. Needless to state if the SDO wants to place any property under charge pursuant to the impugned order, the SDO will first issue notice to the petitioner in that regard. In that event, the petitioner may take such steps as are permissible in law.

5] With these observations, writ petition is disposed of. No costs.

[A.M. BADAR]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

grt/-