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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3295 OF 2016

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| 1. Chandrakant Bajirao Desale
Age - 39 years, Occ - Service | PETITIONERS |
| 2. Rajendra Pundlik Patil,
Age - 50 years, Occ - Agriculture | |
| 3. Digambar Bhoju Patil,
Age - 65 years, Occ - Agriculture | |
| 4. Gangubai Krushna Gopal,
Age - 45 years, Occ - Housewife | |

All r/o Navalnagar,
 Taluka and District - Dhule

VERSUS

- | | |
|---|-------------|
| 1. Vaishali Dyaneshwar Patil
Age - 28 years, Occ -
R/o Navalnagar,
Taluka and District - Dhule | RESPONDENTS |
| 2. The State of Maharashtra
Through the Collector,
Dhule, District - Dhule | |

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Mr. Mukul S. Kulkarni, Advocate for the petitioners
 Mr. S. N. Kendre, AGP for respondent-State
 Mr. P. B. Patil, Advocate for respondent No.1

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 18th JULY, 2016

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally with

consent of learned advocates for the parties.

2. Mr. Mukul Kulkarni, learned advocate for the petitioners vehemently submits that the impugned order is *terse* and a non speaking order, upon a request made under an application to allow them to cross-examine Deputy Chief Executive Officer, (Village Panchayat), Zilla Parisahd, Dhule who has given report dated 5th October, 2015.

3. It is submitted that there are two conflicting reports, one in favour of the petitioners and the other against them. In the circumstances, according to learned advocate, since both the inquiries have been conducted on the orders of the concerned authority, cross-examination has been necessitated.

4. Though learned AGP and Mr. Patil, learned advocate for respondents, have their reservations, yet they are not in a position to dispute that the order is a non speaking order nor there appears any consideration of the reasons for which cross-examination of the person being asked.

5. In view of aforesaid, it is deemed appropriate that application dated 14th October, 2015 of the petitioners be appropriately considered by the concerned authority in

accordance with facts and law.

6. Accordingly, impugned order dated 14th October, 2015 is set aside. The application upon which impugned order has been passed stands restored for being heard in accordance with facts and law and decided afresh. Said exercise be carried out by the concerned authority as expeditiously as possible, preferably within a period of four weeks from the date of receipt of writ of this order.

7. Writ petition as such, stands allowed. Rule is made absolute in aforesaid terms.

[SUNIL P. DESHMUKH, J.]

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