

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3873 OF 2013
WITH WP/3874/2013

SANGITA SUNIL PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. S.G. Chapalgaonkar
AGP for Respondent No.1.: Mr. N.B. Patil
Advocate for respondent No.3 : Mr. M.K. Goyanka.

CORAM : S.V. GANGAPURWALA
& K.K. SONAWANE, JJ.
DATE : 7TH JUNE , 2016.

PER COURT:

1] Mr. Chapalgaonkar, learned counsel for the petitioners submits that the demand notices seeking recovery of the amount to the petitioners, who were the President/Secretary of the Pani Puravatha Samitee were issued. Same was without seeking any explanation from the petitioners and without notice to the petitioners. Same is illegal. Learned counsel submits that similar notices were issued to other President/Secretary of the Pani Puravatha Samiti of various villages. This Court, vide common judgment dated 1st August, 2013 in W.P. No. 3565 of 2013, with connected writ petitions, had allowed the said writ petitions, directing the Chief Executive Officers to issue a detail notice seeking explanation from the petitioners therein before taking any action.

2] Mr. Goyanka appearing for respondent No.3 submits that considering the large scale illegalities action has been rightly taken. We have also heard the learned AGP.

3] It is a fact that demand notices are issued to the petitioners

without issuing any show cause notice nor calling for any explanation from the petitioners. Same is in flagrant violation of the principles of natural justice. This Court in W.P. No. 3565 of 2013 and connected writ petitions, vide order dated 1.8.2013, had set aside the said notices directing the Chief Executive officer to issue detail notice calling upon the explanation of the petitioners therein. We also follow the same course, considering the fact that impugned demand notices are issued without observing the cardinal principles of natural justice.

4] In the result, impugned demand notices are quashed and set aside. The Chief Executive shall issue detailed notice specifying allegations/charges to each of the petitioners and calling upon the individual petitioner to explain the allegations/charge recorded in the notice. The Chief Executive Officer shall, after extending an opportunity of hearing to each of the petitioners, proceed to take appropriate steps in the matter and pass appropriate order. It would be open for the petitioners to raise all the contentions including impermissibility on the part of Chief Executive Officer to place sole reliance on the preliminary report for proposed action. The Chief Executive Officer shall complete the exercise expeditiously and may take appropriate steps and may pass suitable order or issue direction.

5] Writ petitions are disposed of. No costs.

[K.K. SONWANE]
JUDGE

[S.V. GANGAPURWALA]
JUDGE.

grt/-