

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 10496 OF 2016

Ravikant s/o Shivjirao Kale

Petitioner

Versus

The State of Maharashtra
& others

Respondents

WITH
WRIT PETITION NO. 10055 OF 2016

Pathan Ejaj Ahmad s/o Abdul Gaffur Khan

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. A.S. Reddy, advocate for petitioners.
Mr. P.S. Patil, AGP for Respondents 1 and 2.
Mr. P.V. Barde, advocate for respondent no. 3.

**CORAM : R.M.BORDE &
K.K.SONAWANE, JJ.
DATE : 17th October, 2014**

PER COURT:

Writ Petition No. 10055 of 2016 is not on board. On the request of learned Counsel for both the parties, same is taken on record and heard along with W.P.No.10496 of 2016.

2 Petitioners are objecting to the action of recovery of amount at the instance of Chief Officer, Municipal Council, Udgir, in furtherance of the notice issued in that behalf.

3 The Municipal Council cannot be permitted to enforce recovery against the petitioners without holding departmental enquiry and prescribing liability in respect of aforesaid sum against the petitioners. The action initiated by Respondent No.3 of recovery of amount, without extending an opportunity of hearing to the petitioners and without holding departmental enquiry proceedings, is erroneous and, therefore, is liable to be struck down.

4 Learned Counsel appearing for Respondent No.3, on instructions, states that the proceedings in respect of recovery of amount initiated in pursuance to the notice issued by the Municipal Council would not be pressed and that the amount will not be recovered unless the Municipal Council holds departmental enquiry proceedings and extends an opportunity of hearing to the petitioners.

5 In view of the statement made by learned Counsel for Respondent No.3, grievance raised by respective petitioners, in the instant petitions, stands substantially redressed.

6 Writ Petitions are, therefore, disposed of.

K.K.SONAWANE
JUDGE

adb/wp1049616

R.M.BORDE
JUDGE