

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1376 OF 2016

Babasaheb s/o Kisanrao Goje

Age : 54 Yrs., Occ. : Business,

R/o : G.No. 326, Plot No. 164,

Village Kumbhephal, Tq. and

Dist. Aurangabad.

..... PETITIONER

VERSUS

01. The State of Maharashtra

02. District Magistrate and
Collector, Aurangabad.

03. The Additional Collector
(RDC), Aurangabad.

04. Dy.Collector/Sub.
Divisional Officer,
Aurangabad.

..... RESPONDENTS

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Mr. P.R.Katneshwarkar h/f Mr. C.V.Thombre,
Advocate for Petitioner.

Mr. P.N.Kutti, A.P.P. for Respondents - State.

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CORAM : Z.A.HAQ, J.

DATE OF JUDGMENT : 30th NOVEMBER, 2016

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ORAL JUDGMENT :

01. Rule. Rule made returnable forthwith.

02. Heard Mr. P.R.Katneshwarkar, learned Advocate holding for Mr. C.V.Thombre, learned Advocate for the Petitioner and Mr. P.N.Kutti, learned A.P.P. for Respondents.

03. One of the grievance of the petitioner is that the application submitted by him for renewal of the performance licence is rejected without making it known to the petitioner on what documents the respondent/authority was relying to reject the application and without granting hearing to him.

04. As the impugned order is in violation of principles of natural justice, it is unsustainable and is required to be set aside.

Hence, the following order:

- (i) The impugned order is set aside.
- (ii) The matter is remitted to respondent No. 02 – District Magistrate and Collector, Aurangabad for considering the application submitted by the petitioner afresh and for deciding it after granting hearing to the petitioner.
- (iii) The application be disposed of within 2 months.
- (iv) The petitioner undertakes to appear before the learned District Magistrate on 16/12/2016 at 11.00 a.m.
- (v) Rule is made absolute in the above terms.
- (vi) In the circumstances, parties to bear their own costs.

[Z.A.HAQ, J.]