

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1971 OF 2016

Kisan B. Wadekar .. Petitioner
V/s.
State of Maharashtra and ors. .. Respondents.

Mr. Sadashiv Deshmukh a/w. Mr Ramdas Shelke for the Petitioner.
Mr. N.P. Deshpande, Addl. GP for the Respondent-State.

**CORAM: DR. MANJULA CHELLUR, C.J. &
M.S.SONAK, J.**

DATE : 20 DECEMBER 2016.

PC.

1] Learned counsel for the petitioner seeks time on the ground that the notice to respondent no.5 is awaited. On perusal of the averments and the challenge, we are of the opinion that the notice dated 9th October 2015 is the subject-matter of challenge.

2] It is seen that on the complaint of 5th respondent private party, some action seems to have been initiated and a notice dated 9th October 2015 calling upon the petitioner to show cause seems to have been given. Ultimately, the petitioner has to show cause the question raised in the notice dated 9th October 2015 alongwith the documents, if any, supporting his stand. After that, the Rehabilitation Officer has to take a final call on the complaint lodged by the complaint which may go against the petitioner or which may go favourable to him. We are of the opinion that there is no need to have two stages of litigation before this Court, one at the stage of issuing show cause notice and another after completion of enquiry to be held. In that view of the matter, we

dispose of the writ petition without expressing any opinion on merits directing the respondent authorities to give a fair opportunity of being heard to the writ petitioner to explain and thereafter take a final decision on the proceedings initiated now, in terms of notice dated 9th October 2015. It is made clear that if the outcome of the enquiry goes against the interest of the petitioner, the outcome shall not be implemented for a period of four weeks so that the petitioner can challenge the same before the competent authority.

3] All contentions are kept open.

(CHIEF JUSTICE)

(M.S.SONAK, J.)