

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 42561 of 2016

ORDER:

Petitioner challenges the office order of third respondent in O1/359(2)/2016-MDN dated 22.09.2016 as illegal and violative of principles of natural justice.

2. The learned Standing Counsel on instructions submits that the order impugned in the Writ Petition was passed without affording an opportunity of hearing the petitioner and without considering the representation/reply submitted by the petitioner on 17.10.2016.

3. The statement of learned Standing Counsel is placed on record and the order impugned in the Writ Petition is set aside on this short ground. The petitioner is given liberty to submit additional explanation, if any, within two weeks from today. Thereafter, the third respondent is directed to afford an opportunity to petitioner, consider each one of the objections raised by petitioner and take a decision as warranted in the facts and circumstances of the case. The respondents are directed to refund the amount, if any, collected pursuant to the office order dated 22.09.2016 forthwith.

4. With this observation, the Writ Petition is allowed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

S.V. BHATT, J

Date: 28.12.2016
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