

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 42380 of 2016

ORDER:

Petitioner challenges the office order of third respondent in O1/359(2)/2016-MDN dated 24.10.2016 as illegal and violative of principles of natural justice.

2. At request of learned Standing Counsel on 6.12.2016 time has been granted to file counter affidavit or get instructions.

3. 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 objections submitted by the petitioner on 6.9.2013.

4. 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 24.10.2016 forthwith.

5. 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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