

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.2266 OF 2017

Pundlik Subhashrao Gurude Vs. The State of Maharashtra and others.

WITH

WRIT PETITION NO.2267 OF 2017

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.V.Natu, advocate for the petitioners.
Mr.P.S.Patil, Additional Government Pleader for the State.

CORAM : S.V.GANGAPURWALA AND K.L.WADANE, JJ.

Date : 02.03.2017.

PER COURT :

1. Heard.
2. Mr.Natu, learned counsel submits that the impugned action of the Respondents pursuant to the communication dated 6.12.2016, is illegal as the appellate authority had set aside the order dated 7.12.2015 and had remitted the matter back to the Collector for fresh decision.
3. Mr.Patil, learned Additional Government Pleader submits that the Tahsildar was not aware of the order passed by the appellate authority, remanding the matter back to the Collector and in ignorance of the same, the impugned action is sought to be taken.

According to the learned Additional Government Pleader, the petitioner is paying the current duty regularly and as such calculating the total i.e. the arrears and the present one, the action is sought to be taken. According to Mr.Natu, learned counsel, there is no question of payment of current duty as now the cable connections are replaced by set up box.

4. The learned Additional Government Pleader further submits that the Collector on 20.2.2017 has decided the matters after remand. Mr.Natu, learned counsel submits that the petitioners were not heard.

5. The parties are ad-idem that the impugned action was resorted to when the matter was pending before the Collector after remand and the same was resorted to on the basis of an order which was set aside by the appellate authority.

6. In view of that, the impugned action is quashed and set aside.

7. Rule made absolute in terms of prayer clauses (B) and (C).

8. The petitioners may assail the order passed by the Collector on 20.2.2017 in appropriate proceedings.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.02.03.2017.
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