

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

**WRIT PETITION NO. 3205 OF 2012
SAHEBRAO PRALHAD HIWALE
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

...
Advocate for the Petitioner : Shri Deshmukh Javed Abdul H.
Addl.GP for Respondents 1 to 4 : Smt.M.A.Deshpande.

...
**CORAM: RAVINDRA V. GHUGE
AND
SUNIL K. KOTWAL, JJ.
DATE :- 07th November, 2017**

Per Court :

1 We have briefly heard the learned Advocate for the Petitioner, who fairly states that this petition is directed against the show cause notice dated 16.03.2012 issued by the Tahasildar, Jafarabad, District Jalna under Section 256 of the Maharashtra Land Revenue Code, 1966 (for short "the MLRC").

2 The notice indicates that a hearing is proposed under Section 257 of the MLRC before the Sub Divisional Officer, Jalna and the Petitioner is called upon to appear either in person or through an Advocate and defend himself.

3 By order dated 07.05.2012, this Court had granted interim relief and observed that further steps would not be taken on the basis of the impugned show cause notice.

4 However, by order dated 11.01.2016, this Court has observed

that interim relief granted earlier would be operative only for one week. Consequentially, the ad-interim protection stands vacated w.e.f. 18.01.2016.

5 We find that under Article 226 of the Constitution of India this Writ Petition cannot be entertained against a show cause notice when the Authority issuing the notice intends to follow the due procedure laid down under the MLRC. It has always been intention of law to ensure that the procedure laid down is followed and the issue is taken to a logical end. As against the show cause notice, when a regular hearing is contemplated, we are not inclined to entertain this petition.

6 In the light of the above, this Writ Petition is disposed of.

7 Needless to state, if the Petitioner has not yet replied to the notice dated 16.03.2012, he would do so within a period of three weeks from today and in any case on or before 30.11.2017. The Petitioner would appear before the Sub Divisional Officer, Jalna on 04.12.2017 at 03:00 pm. Formal notices need not be issued by the said authority.

8 It goes without saying that the concerned Sub Divisional Officer would follow the procedure under Section 257 of the MLRC and all the contentions of the Petitioner are kept open to be considered on their own merits.