

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

WRIT PETITION NO. 3972 OF 2017

Ratnamala Baburao Dudhal .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. S. Thombre, Advocate for the Petitioner.

Shri V. M. Kagane, A. G. P. for Respondent Nos. 1 to 4.

**CORAM : S. V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : 23RD MARCH, 2017.

PER COURT :

. Mr. Thombre, the learned counsel for the petitioner strenuously contends that, the enquiry reports submitted are not supported by any provisions of law. There is no provision wherein such an enquiry could have been conducted. The proceedings are started at the behest of respondent No. 5, who is a political opponent of the petitioner. The respondent No. 5 is defeated candidate. According to the learned counsel, at no material point of time the record of the Municipal Council was perused, nor enquiry was ever made with the Chief Officer of the Municipal Council. The learned counsel submits that, as those enquiry reports itself are illegal, without authority and without adhering to the principles of natural justice, same deserve to be

set aside.

2. We have also heard the learned Assistant Government Pleader.

3. No decision has been taken based on the enquiry reports as alleged. It is also not case that the enquiry reports have been accepted and further action has been initiated pursuant to the enquiry reports. The interested party certainly is entitled to challenge the decision taken pursuant to the enquiry reports, but interference at this stage would be preempting the further orders that may be passed. At this stage, it would be only hypothetical to consider the case. It is only if, the enquiry reports are accepted and decision is take, then the interested party may get the cause of action to challenge the decision taken.

4. The petitioner can raise all such contentions raised at this stage in case any decision is taken adverse to her interest. At that time all these contentions would be open to the petitioner.

5. The writ petition accordingly is disposed of with aforesaid observations. No costs.

[SANGITRAO S. PATIL, J.]

[S. V. GANGAPURWALA, J.]