

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

WRIT PETITION NO.5459 OF 2017

Tukaram s/o Baliram Poul
and others ... PETITIONERS

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

.....
Shri S.B. Bhosale, Advocate for petitioners
Mrs. M.A. Deshpande, A.G.P. for State
Shri A.D. Aghav, Advocate for respondent No.5
Shri U.B. Bondar, Advocate for respondent No.6
.....

CORAM: ANOOP V. MOHTA AND
 SUNIL K. KOTWAL, JJ.

DATED: 23rd June, 2017.

FINAL ORDER :

1. Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned counsel for the parties.

2. On hearing the learned counsel for the parties, we are inclined to dispose of the present Writ Petition, mainly on the ground that before passing the order dated 10/4/2017 by Zilla Parishad, no opportunity whatsoever was given to the petitioners as required under the law. Therefore, the impugned communication of cancellation of No Objection Certificate, in our

view, is unsustainable on this ground alone. Therefore, we are inclined to quash and set aside the same with liberty to the respondents to pass appropriate orders after hearing the parties, as early as possible, preferably within two weeks, keeping in mind the new transfer policy dated 27/2/2017 read with the policy dated 24/4/2017.

3. Writ Petition is accordingly disposed of with liberty. Rule made absolute in above terms. All contentions are kept open.

(SUNIL K. KOTWAL)
JUDGE

(ANOOP V. MOHTA)
JUDGE

fmp/