

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.10306 OF 2016**Ravindra Pandurang Koli Vs. The State of Maharashtra and others.**

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.R.Patil, advocate for the petitioner.
 Mrs.V.N.Patil, A.G.P. for the State.
 Mr.H.P.Randhir, advocate holding for Mr.V.P.Patil,
 advocate for Respondent No.4.

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

Date : 31.01.2017.

PER COURT :

1. Heard.
2. The tribe claim of the petitioner is invalidated. Mr.Patil, learned counsel for the petitioner submits that the impugned order is passed without hearing the petitioner and without notice to the petitioner and the claim is invalidated.
3. Learned A.G.P. submits that after receiving the report, it was found that the tribe claim itself was forged one. In view of that the Committee has rightly passed the order.
4. Time and again, we are passing the orders in the judgments delivered by the Committee exparte that when an order adverse to

the interest of party is being passed, the principles of natural justice are required to be adhered to.

5. In the present case, the tribe claim of the petitioner is invalidated and the tribe certificate being confiscated, even without issuing notice to the petitioner and even without hearing the petitioner. The order is passed on the basis of the report received from the Tahsildar. The order itself states that the tribe certificate is being cancelled and confiscated exparte. Such a procedure is not warranted by law. The cardinal principles of natural justice are required to be adhered to. In absence thereof, the order stands vitiated.

6. In light of the above, the impugned judgment and order is quashed and set aside. The parties are relegated before the Committee. The petitioner shall appear before the Respondent Committee on 14.2.2017. The Committee shall give the copy of report to the petitioner and shall give opportunity to the petitioner to put forth his case and thereafter decide the said proceedings on its own merits in accordance with law expeditiously.

7. Rule accordingly made partly absolute. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.31.01.2017.
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