

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8097 OF 2017

Shri Ramdas Baburao Chougule and ors.Petitioners
versus
The State of Maharashtra and ors.Respondents

Mr. Parag Tilak along with Ms. Shruti Tulpule, advocates for the petitioners.
Ms. Nisha Mehra, AGP for the State.

**CORAM : RANJIT MORE &
SMT.SADHANA JADHAV, JJ.**

DATE : 13th SEPTEMBER, 2017.

P. C. :

Heard Mr. Tilak, learned counsel for the petitioners and Ms. Mehra, learned AGP for the State.

2. By this petition filed under Article 226 of the Constitution of India, the petitioners are challenging the legality, validity and propriety of the impugned judgment and order dated 7th April, 2017, passed by the Hon'ble Minister, Co-operation, Marketing and Textiles of Government of Maharashtra in revision application Nos. RVA-2014 KP/31 of 2015 and RVA-2014 KP/32 of 2015.

3. By the said judgment and order, both the revisions referred above came to be dismissed. The petitioners have approached the Division Bench under Article 226 of the Constitution of India on the

ground that the said revision applications are disposed off without granting hearing to the petitioners and, therefore, the principles of natural justice are violated.

4. Mr. Tilak, learned counsel for the petitioners pointed out that the notice of hearing of the said revision applications was dispatched on 23rd January, 2017 by the office of the Hon'ble Minister informing the petitioners that the revision applications are kept for hearing on 27th January, 2017. The petitioners contended that they received the said notice on 25th January, 2017, and, therefore, it would not have been possible for them to prepare and appear before the Hon'ble Minister in the said revision applications on such short notice. Mr. Tilak submitted that the petitioners had accordingly made an application to the Hon'ble Minister requesting adjournment of the said revisions and inspite of that, the Hon'ble Minister proceeded to hear the revisions ex-parte and dismissed the same.

5. Perusal of the impugned judgment and order, makes it clear that the petitioners were not present at the time of hearing of the aforesaid revisions and only representatives of the respondents were present. The petitioners have given reasons as to why they could not remain present before the Hon'ble Minister at the time of hearing of the aforesaid revisions. It appears that the petitioners had also filed an

application through their advocate on the date of hearing of those revisions requesting the Hon'ble Minister to defer the hearing of the revisions in order to enable them to prepare on legal grounds. In our opinion, the Hon'ble Minister ought to have granted adjournment to the petitioners as the notice of hearing was received by them only on 25th January, 2017.

6. Ms. Mehra, learned AGP, having taken instructions from the concerned officer who is present before the Court, fairly stated that the petitioners were not present at the time of hearing of the subject revisions. She stated that if this Court is inclined to remand the matter back, the Hon'ble Minister would hear the same on merits. She also submitted that if the hearing of the said revisions is kept on 4th October, 2017, at 3.00 pm, the petitioners would be heard. She further stated that notice to that effect would be given to the respondents telegraphically.

7. In the above circumstances, since the principles of natural justice are not followed, we dispose off this petition by passing the following order :

1. The impugned judgment and order dated 7th April, 2017, passed by the Hon'ble Minister, Co-operation, Marketing and Textiles of Government of Maharashtra in revision application Nos. RVA-2014 KP/31 of 2015 and

RVA-2014 KP/32 of 2015, is quashed and set-aside, and the revision applications are remanded back to the Hon'ble Minister, Marketing and Textiles of Government of Maharashtra.

2. The Hon'ble Minister, Marketing and Textiles of Government of Maharashtra, shall dispose off the said revision applications as expeditiously as possible and preferably within a period of eight weeks from the date of receipt of this order.

3. In order to enable the the Hon'ble Minister, Marketing and Textiles of Government of Maharashtra, to decide the said revision applications, the petitioners shall remain present before him on 4th October, 2017 at 3.00 pm. The Hon'ble Minister, thereafter, shall give an opportunity of hearing to the petitioners as well as concerned respondents and pass an appropriate order within the stipulated time.

The writ petition stands disposed off.

[SMT. SADHANA JADHAV, J.]

[RANJIT MORE, J.]