

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 6288 OF 2017**

Nandkumar G. Kulkarni

..Petitioner

Vs

State of Maharashtra and anr.

..Respondents

Mr. M.J. Chetiwal i/b Mr. Sumit S. Kothari for the Petitioner.

Ms R.M. Shinde, AGP for Respondent Nos.1 and 2.

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.****DATE : JUNE 14, 2017.****P.C. :**

. Parties through their counsel.

2] The grievance of the petitioner is that after receipt of Show Cause Notice dated 31st March 2017, on 6th April 2017 the petitioner submitted his reply within seven days, i.e., 11th April 2017 (Exhibit-G) before respondent No.2. However, without taking into consideration the said reply, which was received by respondent No.2 on 13th April 2017, respondent No.2 has passed an order on 20th April 2017 (Exhibit-H) stating therein that the reply has not been filed by the petitioner to the Show Cause Notice. The petitioner also challenges the impugned order Exhibit-H on various grounds.

3] However, keeping in view of the fact that the petitioner has already submitted a reply before passing of the impugned order

and the same has not been taken into consideration, we are inclined to dispose of this petition by remanding the matter to the Additional Collector, Pune for deciding the matter in regard to the Show Cause Notice afresh, taking into consideration the reply filed by the petitioner. The petitioner may file additional reply.

4] The petitioner to appear before the Additional Collector, Pune on 20th June 2017 at 11.00 a.m. and the Additional Collector on that day or within a week from the said date shall hear the petitioner and pass a reasoned order in regard to the Show Cause Notice issued by him, as expeditiously as possible but not later than two weeks from the date of hearing.

5] The petitioner is directed to maintain *status quo* as it exists today till the matter is decided afresh by the Additional Collector.

6] Needless to say that while passing the order afresh, the Additional Collector shall not be influenced by his earlier order.

7] With the aforesaid directions, the petition is disposed of.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)