

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7788 OF 2016

Vasant Shikshan Sanstha

... Petitioner

Vs.

The State of Maharashtra & Ors.

... Respondents

Mr. N.V. Bandiwadekar, Adv. for the Petitioner.

Ms. Kavita Salunke, AGP for Respondent No.1.

Mr. Ramesh D. Rane, Adv for Respondents Nos.2 & 3.

Mr. Vikay Killedar, Adv for Respondent No.4.

CORAM : B.R. GAVAI AND
RIYAZ I. CHAGLA, JJ.
DATE : 12 JUNE 2017.

P.C.:-

1. Rule. Rule made returnable forthwith. Heard by consent.
2. The Petitioner impugns the order dated 21st June 2016 passed by Respondent No.2 thereby staying its own order passed by same authority dated 17th December 2015.
3. It is the contention of the Petitioner that by an earlier order the Respondent No.2 had granted permission to shift the hostel from one place to another place as per the representation made by the society

which was duly signed by Petitioner as well as Respondent No.4. However, Respondent No.2 has unilaterally by the impugned order stayed the same without giving liberty of being heard to the Petitioner.

4. Shir Killedar, learned counsel appearing on behalf of Respondent No.4 vehemently opposed the Petition. He submits that as matter of fact, the Petitioner is not even a member of the trust. He submits that by order dated 17th December 2015, the Additional Chief Executive Officer has directed to shift the hostel of society with which the Respondent No.4 has no concern.

5. We are not inclined to go into the rival contentions of the parties. The parties can agitate those grievances before either the Civil Court or any other appropriate forum.

6. However, the impugned order is liable to be quashed and set aside on the ground of violation principles of natural justice. Undisputedly, by impugned order the rights which are accrued in the Petitioner society while passing the order dated 17th December 2015 are adversely affected. By now, it is settled principle of law that every

order which adversely affects rights of the parties is required to be followed by principles of natural justice. The same having not been done the Petition deserves to be allowed on the short ground.

7. The Petition is, therefore, allowed. The impugned order dated 21st June 2016 is quashed and set aside. Rule is made absolute.

8. Needless to state that, if the Respondent No.2 finds it necessary to pass fresh order, he is at liberty to give notice to the all concerned parties and pass appropriate orders in accordance with law after giving an opportunity of hearing of the affected parties.

(RIYAZ I. CHAGLA J.)

(B.R. GAVAI J.)