

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8863 OF 2015

Nashir Badsha Mulla

... Petitioner.

Versus

The Chief Executive Officer
Jath Nagar Panchayat, Jath
and others

... Respondents.

....

Mr. Amit Sale for the Petitioner.

Mr. A.P. Vanarase, AGP for State.

Mr. Irfan A. Shaikh i/b. Mr. S.B. Shetye for Respondent No.4.

....

***CORAM : Smt. Vasanti A Naik &
Riyaz I. Chagla, JJ.***

DATE : 13th November, 2017.

P.C. :

Heard.

On a reading of the impugned order of the State Government, we find that the same is not a reasoned one. The State Government not recorded any reasons, whatsoever for not accepting the grounds raised by the petitioner pertaining to 'sufficient cause' for not tendering the accounts, as required by the provisions of Section 16(1D), within the prescribed time. Though we *prima facie* find that the petitioner has shown sufficient cause

for not tendering the accounts on the last day for the submission of the same, in view of the judgment of the Hon'ble Supreme Court, reported in ***AIR 1962 SCC 361***, since the State Government is a final fact finding authority and since this question is not dealt with by the State Government at all, it would be necessary to remand the matter to the State Government for a fresh decision on merits.

In the circumstances of the case, the impugned order is quashed and set aside and the writ petition is disposed of with the consent of the learned counsel for the parties on the following terms:-

- (1) The State Government should decide the appeal filed by the petitioner against the order of the Collector, within four months.
- (2) The orders of stay granted by the State Government after the presentation of the appeal by the petitioner before the State Government would revive and continue to operate till the appeal of the petitioner is decided.
- (3) No order as to costs.

(Riyaz I. Chagla J)

(Smt. Vasanti A Naik, J)