

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 746 OF 2015

Sir Kikabhai Premchand Trust Settlement No XI	...Petitioner
<i>Versus</i>	
Govt. Of Maharashtra And Ors.	...Respondents

Mr.Raju Z.Moray i/b. Mr.Sagar A. Rane, for the Petitioner.

Mr.Sukanta A.Karmakar, AGP for the State-Respondent nos.1,2 & 6.

Mr.Sagar Patil, for MCGM.

**CORAM : SHANTANU KEMKAR &
G. S. KULKARNI, JJ.**

DATE : OCTOBER 10th, 2017

P.C.:-

By this petition filed under Section 226 of the Constitution of India, the petitioner has challenged the communication dated 9th January,2014, 25th September,2014, 17th November,2014 and 17th January,2015.

2. By the impugned action, the benefits/concessions extended in favour of the petitioner have been withdrawn alleging that the petitioner has violated the conditions for extending such benefits/concessions.

3. The case of the petitioner is that before taking the impugned action, no show cause notice was served upon the petitioner and no opportunity of hearing has been granted. In the circumstances, according

to the petitioner, the impugned order being in violation of the principles of natural justice, the same is liable to be set aside.

4. In paragraph 2 of the reply affidavit of the respondent-State, the respondent-State has not disputed the aforesaid position, on the contrary has made a categorical statement that the show cause notice was not sent to the petitioner before taking the impugned action.

5. In the circumstances, in our considered view, the impugned action is in violation of the principles of natural justice and as such the same is liable to be quashed and accordingly, the same is hereby quashed.

6. It is further observed that in case any deficiencies or any violation of conditions is being found against the petitioner, the respondents are free to take appropriate action in accordance with law by following the principles of natural justice.

7. With the aforesaid observations, we allow the petition.

(G.S. KULKARNI, J.)

(SHANTANU KEMKAR, J.)