

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2847 OF 2017

Priyanka Tejrao Mamde

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Suresh M. Kulkarni a/w Shri O. B. Boinwad, Advocate for the Petitioner.

Shri A. S. Shinde, A.G.P. for Respondent Nos. 1 to 3.

CORAM : **S. V. GANGAPURWALA &**
A. M. DHAVALA, JJ.

DATE : **21st February, 2018**

PER COURT :

1. The impugned order is passed without hearing to petitioner.
2. Learned A.G.P. states that, notice was issued in the year – 2009.
3. Though in the record it is shown that notice is issued in the year – 2009, there is nothing to show that there is service upon

the petitioner. Even the order does not show that the petitioner was issued notice and that notice was served upon him.

4. The impugned order is passed without hearing the petitioner and without notice to the petitioner.

5. It is the cardinal and fundamental principle of civil jurisprudence that, if an order adverse to the interest of party is to be passed that party is required to be heard.

6. In the light of above, the impugned judgment and order is quashed and set aside. The parties are relegated before the committee. The petitioner shall appear before the committee on 7th march, 2018. The committee shall after hearing the petitioner, decide the proceeding afresh, expeditiously and preferably within nine (9) months. The petitioner is at liberty to file additional documents on which he relies.

7. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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