

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.6064 OF 2016**

Shree Siddnath Milk Producers

Society Ltd and Anr

.. Petitioners

Versus

State of Maharashtra through

the Secretary, Land Revenue

and Forest Department

.. Respondent

...

Mr.P.A. Pol with Mr.S.S.Suryavanshi, R.M.Darvesh, Mr.Ranjit S. Hatkar i/b Pol Legal Jurisdiction for the petitioners.

Mr.B.V.Samant, AGP for the State.

**CORAM: S.C. DHARMADHIKARI &
SMT.BHARATI H.DANGRE,JJ.**

DATED : 16th FEBRUARY, 2018

P.C :-

1 The petitioners have operated, on the own showing of the respondents and who are officers of the State Government together with the State Government, a cattle camp at which shelter was provided to the cattle which was not looked after and virtually abandoned by the farmers. This

unforeseen and unfortunate situation occurred on account of drought in the State of Maharashtra during the years 2011-12 and 2012-13. The area is known to be drought prone. The petitioner says he operated such a cattle camp and submitted the bills. It may be that in relation to one bill, a show cause notice was issued and the amount is withheld, but in relation to other three bills, neither any show cause notice was issued nor any order is passed, but the amount is still withheld. The petitioners have to recover, in all, according to Shri Pol, a sum of Rs.26 lakhs approximately.

2 On the other hand, reliance is placed by the learned AGP on the affidavit-in-reply and the statements therein while not disputing that the petitioner society approached the Collector, District Solapur for permission to run the cattle camp in Sangola Taluka. The permission was granted on terms and conditions. There is a breach of the terms and conditions particularly of the G.R dated 19th April 2010 as well as the order passed by the Sub Divisional Officer, Pandharpur dated 1st September 2012. It is claimed that

various show cause notices were issued to the petitioner, and after giving opportunity, the impugned orders have been passed dated 12th February 2013 and 12th August 2013.

3 Mr.Pol says that the petitioner denied all these contentions for no details of the show cause notice, their date of issuance and date of receipt, the date of hearing and the order are not set out at all. In the circumstances, the averment in the petition that the principles of natural justice have been violated is deemed to have been admitted.

4 After hearing both sides and perusing the entire petition and the affidavit, we are of the firm view that the petitioners were not afforded complete opportunity of being heard in the sense they do not know what case they have to meet and what are the materials which would be utilized against them.

5 If such is the nature of the complaint, we direct that the petitioners be issued, if not already issued show cause notices in relation to the specific cattle camps organized by them.

6 They should also be informed about the
allegations and the documents relied upon. The copies of
such documents be supplied to them.

7 An opportunity of personal hearing be granted
after prior intimation of the date, time and venue of the
hearing. After that, a reasoned order be passed and duly
communicated to the petitioners.

8 Let this entire procedure be completed as
expeditiously as possible and within a period of three months
from today.

9 We clarify that we are not expressing any opinion
on the rival contentions.

10 The petition is allowed in the above terms only
because we do not find any satisfactory materials which
would indicate compliance with the principles of natural
justice.

11 Petition is therefore, disposed of in the above terms with no order as to costs.

(SMT.BHARATI H. DANGRE,J)

(S.C.DHARMADHIKARI,J)