

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

WRIT PETITION NO.9337 OF 2015

Sampatrao Nivruttirao Salunkhe .. Petitioner
Vs.
The State of Maharashtra & Ors. .. Respondents

Mr.G.N. Salunke i/by Mr.Siddheshwar Kalel for the petitioner.
Mr.S.H. Kankal, AGP for the respondent nos.1 to 3, 5 & 6.
Mr.Sarang Aradhye for the respondent no.4.

CORAM : R.D. DHANUKA, J.
DATE : 17th July 2018

P.C.:

. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 6th August 2015 passed by the respondent no.2 thereby setting aside the order dated 22nd September 2008 passed by the learned Minister.

2. A perusal of the roznama annexed at Exhibit 'I' to the petition indicates that the petitioner was not heard by the learned Minister. Learned counsel for the respondent no.4 does not dispute that the petitioner was not heard by the learned Minister while passing the impugned order.

3. In my view, the impugned order is thus in violation of the principles of natural justice and thus deserves to be set aside on that ground. It is made clear that since this Court has set aside the impugned order on the ground of violation of principles of natural justice, this Court has not gone into the other contentious issue raised by the parties.

4. I therefore pass the following order :-

- (i) The impugned order dated 6th August 2015 passed by the respondent no.2 is quashed and set aside.
- (ii) Revision Application No.RVA-20009/P.K. 314/15-S is restored to file.
- (iii) Learned Minister shall hear the parties and shall pass an order in accordance with law by following the principles of natural justice and without being influenced by the observations made and the conclusions drawn in the impugned order dated 6th August 2015 as well as the order dated 6th February 2015 expeditiously and not later than four months from the date of first hearing.
- (iv) Parties are directed to appear before the learned Minister on 8th August 2018 at 3.00 a.m. and will not seek any unnecessary adjournment.
- (v) If the date fixed by this Court is not convenient to the learned Minister, the learned Minister shall convey the earliest date convenient to him to both the parties.
- (vi) All contentions of both the parties are kept open.
- (vii) Writ petition is disposed of. No order as to costs.
- (viii) Learned AGP is directed to convey this order to the learned Minister for compliance.
- (ix) Parties to act on the authenticated copy of this order.

R.D. DHANUKA, J.