

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 8028 OF 2017****Lahu R. Borhade****..... Petitioner****VERSUS****State of Maharashtra & Anr.****..... Respondents**

Mr.S.P.Kanuga, i/b. Ms.Sapna Nath for the Petitioner.

Mr.S.H.Kankal, A.G.P. for the State, Respondent nos.1 and 2.

CORAM : R.D. DHANUKA, J.**DATE : 10th APRIL, 2018****P.C.**

By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 16th May, 2016 passed by the learned Collector, Pune to release the vehicle as well as the goods. It is not in dispute that the impugned order is passed without hearing the petitioner and without complying with the principles of natural justice. The Collector (Supply) or any other officer who is delegated with such powers in accordance with law under the provisions of Essential Commodities Act, 1955, shall hear the petitioner or the authorized representative including the advocate if any, and shall pass speaking order without being influenced by the observations made in the order dated 16th May, 2016 and the conclusion drawn therein. The learned Collector shall also consider the principles of law laid down by the Supreme Court in case of *Kailash Prasad Yadav and another vs. State of Jharkhand and another* (2007) 5 SCC 769 if the same are found applicable to the facts

of this case.

2. The custody of the material ceased and the tempo would continue to remain with the authority till a fresh order is passed by the learned Collector (Supply).

3. The petitioner shall remain present before the learned Collector (Supply), on 20th April, 2018 at 03.00 p.m.

4. Writ petition is disposed of in the aforesaid terms. There shall be no order as to costs.

5. The parties as well as the authorities to act on the authenticated copy of this order.

6. Impugned order dated 16th May, 2016 is set aside.

[R.D. DHANUKA, J.]