

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.102 OF 2019

SARSWATI RAM NARWATE@LUBJA BHIMRAO BODHE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

Mr.Kishor J. Ghute Patil, Advocate for the
petitioner
Mr.A.R.Kale, AGP for the respondent/State

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 04.01.2019

P.C. :-

. Heard Mr.Patil, learned counsel for the
petitioner.

2. Considering the nature of the grievance
raised in the petition, we are of the opinion that
the petition itself can be disposed of at the stage
of admission.

3. The petitioner is allegedly aggrieved by
the notice issued by the Sub-Divisional Officer,
Ahmedpur dated 19.12.2018. Copy of the said notice
is placed on record at Exh.E. The notice indicates
four references, first, reference is to judicial

pronouncement by the Hon'ble Apex Court, other reference is to the provision of the Village Panchayat Act, 1958 and the resolution of the State Government as well a communication forwarded through District Collector dated 11.12.2018. The Sub-Divisional Officer with the above mentioned references called upon the petitioner for hearing scheduled on 28.12.2018. The notice further clearly indicates that the authority was ready to hear the petitioner either personally or through counsel. The Authority also permitted the petitioner to submit his written say in response to the notice. Now interestingly enough when the scheduled date of hearing is 28.12.2018 the petition is filed in this Court on 26.12.2018 meaning thereby the petitioner without exhausting a remedy which is already made available to him through the notice of hearing hurriedly approached this Court by filing the present petition. Learned counsel appearing for the petitioner fairly submitted that post filing of the petition it is informed to him orally that the petitioner also submitted a say in response to the notice.

4. In view of this we are of the clear opinion

that the petition is premature and petitioner has approached this Court under misconception. These grounds are sufficient enough for us not to entertain the petition. Accordingly the petition is dismissed at the threshold.

5. At the same time, we make it clear that if the authority in further progress of the matter on the backdrop of notice dated 19.12.2018 passed certain orders, the petitioner is at liberty to avail appropriate remedy to challenge the order, if the petitioner is aggrieved by the said order and if so advised.

6. The petition is dismissed and disposed of.

[S.M.GAVHANE,J.]

[PRASANNA B. VARALE, J.]