

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

114 WRIT PETITION NO.8943 OF 2019

**ASHOK PRAKASHRAO CHOPADE
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS**

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Advocate for Petitioner : Mr. Kale Mahesh P.
AGP for Respondent : Mr. S.B. Pulkundwar

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**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 06/08/2019

PER COURT :

1. The petitioner has challenged the order dated 11.06.2019 passed by the Sub Divisional Officer.
2. The show cause notice was issued to the petitioner by Tahsildar under Section 48(8)(9)(7) as to why the penalty should not be imposed upon the petitioner. As detailed in the show cause notice, the petitioner approached the S.D.O. The S.D.O. treating it as an appeal, dismissed it, confirming the show cause notice and giving the further directions.
3. We have heard the learned counsel for the petitioner and learned A.G.P. In fact, the appeal was not tenable against the show

cause notice. The petitioner ought not to have approach the SDO.

4. Considering above, the impugned order passed by the S.D.O. is set aside. The petitioner shall file say to the show cause notice, issued by the Tahsildar (Exh.'B' page.10) dated 29.01.2019. The say shall be filed within 7 days from today. The Tahsildar shall take decision pursuant to his show cause notice after obtaining the say thereafter within one month. Writ petition is disposed of. No costs.

(MANGESH S. PATIL, J.)

(S. V. GANGAPURWALA, J.)

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