

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION NO. 6428 OF 2019

Bharat Dalit Sevak Sangh .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

Mr. Sandeep M. Phatak for the Petitioner.
Mr. P. P. Kakade, Govt. Pleader a/w. Mr. K. S. Thorat, AGP for
Respondent Nos.1 to 3-State.

WITH
WRIT PETITION NO. 6354 OF 2019

Bharat Dalit Sevak Sangh & Anr. .. Petitioners
Vs.
State of Maharashtra & Ors. .. Respondents

Mr. Saket Mone a/w. Mr. Vishesh Kalra i/b Vidhi Partners for the
Petitioners.
Mr. P. P. Kakade, Govt. Pleader a/w. Mr. K. S. Thorat, AGP for
Respondent Nos.1 to 3-State.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 11th DECEMBER, 2019.

P. C. :

1. It is not in dispute that the impugned order dated 06.03.2019 was passed without issuing any show cause notice to Bharat Dalit Sevak Sangh.
2. Two Writ Petitions have been filed challenging the same order:

one through the President of Bharat Dalit Sevak Sangh and the other two of the trustees of the Sangh. The effect of the impugned order is that land comprised in Survey No.18, village Hingne Budruk, District Pune which was allotted by the State of Maharashtra to the Petitioners to construct a school building and girls hostel has been resumed.

3. Suffice it to state an order having civil consequences has to be preceded by a notice to show cause notice containing the reasons why it is proposed to pass such an order.

4. No show cause notice being issued to the Petitioner containing reasons as to why the land was proposed to be resumed, we dispose of the Writ Petitions quashing the impugned order dated 06.03.2019.

5. We permit the Competent Authority to issue a show cause notice to the Petitioners disclosing therein the reason why the Government wants to resume the land which was allotted to the Petitioners. The same would be served upon the Petitioners with opportunity granted to the Petitioner to respond to the show cause notice. Thereafter, a reasoned decision would be taken disposing of the show cause notice.

6. Consequential actions taken pursuant to the impugned order are declared void.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]

Arjun
M.
Kadam

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by Arjun M.
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