

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6606 OF 2020

Avinash S/o Raosaheb Mangdare

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr V.P. Latange, Advocate for Petitioner
Mr K.N. Lokhande, A.G.P. for respondent Nos. 1 to 6
Mr Arjun R. Lukhe, Advocate for Respondent Nos. 7 to 22

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 23rd OCTOBER, 2020

PER COURT :

1. The application of the petitioner to transfer the proceeding is rejected.
2. Mr Latange, the learned Counsel submits that the Sub Divisional Officer, Jalna is working under the pressure of local Minister. The petitioner was asked by Sub Divisional Officer to meet the Hon'ble Minister the manner in which the Sub Divisional Officer is functioning raises strong suspicion and doubts about the fact that the proceedings would be taken in a free and fair manner. The instances are given by the petitioner. Even in curfew was operating, the dates were fixed.
3. The learned Assistant Government Pleader and Mr Lukhe, the learned Counsel for the respondents support the order passed by the Divisional Commissioner, Aurangabad and submit that the basic grievance

of the petitioner was against the Sub Divisional Officer, Ambad. He had rescued himself from taking up the matter and it is transferred to the Sub Divisional Officer, Jalna.

4. It is trite that the transfer of the matter cannot be *ipse dixit*. To transfer the matter from one authority to another, strong grounds are required. The proceedings appears to be quasi-judicial. It is expected that quasi-judicial authority would conduct the matter in accordance with the procedure and in an unbiased manner.

5. Initially, the petitioner had raised the doubts against the Sub Divisional Officer, Ambad. The Sub Divisional Officer, Ambad had rescued himself. The matter was thereafter transferred to the Sub Divisional Officer, Jalna. Only because the dates were kept at the time of curfew, that may not be sufficient to transfer the matter. The dates are given by the Sub Divisional Officer, Jalna.

6. Considering the above, it does not appear that the Divisional Commissioner, Aurangabad has committed any error while passing impugned order.

7. The writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S.V. GANGAPURWALA, J.]