

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

WRIT PETITION NO. 8259 OF 2019

Chanda Ravindra Kshirsagar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. S. S. Thombre h/f Murlidhar S. Karad, Advocate for the Petitioner.

Mrs. M. A. Deshpande, Addl. G. P. for Respondent No. 1.

Mr. Shivaji T. Shelke, Advocate for Respondent No. 3.

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

DATED : 04th MARCH, 2020.

PER COURT:-

. Mr. Thombre, learned counsel for the petitioner submits that the order transferring the petitioner is not in consonance with the transfer policy as laid down under Government Resolution dated 15.05.2019. The learned counsel for the petitioner submits that younger son of the petitioner is mentally unsound. He is required to be under care of the petitioner. The petitioner is a widow. In view of that, the petitioner could not have been transferred. The learned counsel submits that the respondents are alleging that nuisance is created at the hands of the another son of the petitioner. He has removed the temporary structure erected and is not doing any business in the said premises. The

petitioner undertakes that no temporary structure would be erected and no any business would be done by her son.

2. Mr. Shelke, learned counsel for respondent No. 3 submits that show cause notice was required to be issued to the petitioner for nuisance created by the son of the petitioner. The petitioner is transferred at the place which is at distance of 7 Km. from Bhokar and 30 Km. from Nanded. Nanded is a district place. Earlier the petitioner was working at Nashik.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. No doubt, if the petitioner or member of the family is creating nuisance, action has to be taken. The show cause notice is issued. The contention of the petitioner is that the temporary structure has been removed and no business would be carried out by the member of her family. The petitioner claims to be a widow.

5. The petitioner may produce the certificate of unsoundness of mind of a son as contended by her. During the general transfers in April-May 2020 the request of the petitioner be considered in tune with the Government Resolution dated 15.05.2019 if the same is applicable.

The petitioner may make an application in that regard within a period of seven (07) days from today.

5. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

RS.B.