

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

WRIT PETITION NO. 8110 OF 2020

Premchand Gulabchand Nahar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. S. V. Dixit, Advocate h/f Mr. D. A. Madake, Advocate for the
Petitioner.

Mr. K. N. Lokhande, AGP for Respondents-State.

Mr. A. B. Kadethankar, Advocate for Respondent No. 2.

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

DATED : 09th DECEMBER, 2020.

PER COURT:-

. Mr. Dixit, learned counsel for the petitioner submits that the petitioner had raised objection to the ward formation. Pursuant to the objection raised by the petitioner, the petitioner along with his advocate appeared for hearing on the said objection on 27.11.2020. The respondent No. 4 – Collector, Beed did not hear the objection properly and on the contrary humiliated the advocate of the petitioner. The learned counsel further submits that the words uttered by the Collector are reproduced in memo of the writ petition. The petitioner had requested the Divisional Commissioner to transfer the said proceedings to another Collector. The same is not done. The programme has been

revised and now the hearing on the objection is to take place on 10.12.2020.

2. We have also heard the learned A.G.P for respondents.

3. It goes without saying that the respondent No. 4 – Collector or for that matter any authority does not have right to humiliate an advocate or a party appearing before him. The authority is expected to treat the litigant or his advocate appearing before him with dignity and courteously. We are not reproducing the words in the order that the petitioner claims to have been uttered by respondent No. 4, nor we are dilating on the said aspect. It is the duty of the authority to hear the parties patiently and deal with the same on its own merits, of course, the party can be restrained if repetitive arguments are made.

4. The transfer of the proceedings cannot be ipse dixit. There are no allegations against the respondent No. 4 except that the petitioner and his advocate were not treated fairly and that they were not properly heard and/or they were humiliated.

5. It is contended that the schedule has been revised and now the hearing is scheduled on 10.12.2020. The petitioner and / or his advocate may appear before the respondent No. 4 on 10.12.2020 and

may put forth their stand raised pursuant to the objection. The respondent No. 4 is expected to hear them properly and treat them with dignity. Treating each other with dignity is a reciprocal act of party and his advocate and the authority concerned. The same should be observed and adhered to by all.

6. We hope and trust that the petitioner and his advocate so also the respondent No. 4 would conduct the proceedings in congenial atmosphere and no further opportunity would be available for grievance.

7. Writ petition accordingly is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.