

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 WRIT PETITION NO.268 OF 2019

MACHINDRA S/O DAGDU KANADE
VERSUS
THE ADDITIONAL DIVISIONAL COMMISSIONER, AURANGABAD
DIVISION, AURANGABAD AND OTHERS

.....
Advocate for Petitioner : Mr. S. J. Salunke
AGP for Respondent Nos. 1 to 4 : Mr. K. B. Jadhavar
Advocate for Respondent No.4 : Mr. Shaikh Mohd. Naseer
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CORAM : V. K. JADHAV, J.
DATED : 13th MARCH, 2020

PER COURT:-

1. By consent of the parties, this writ petition can be disposed of.
2. This writ petition has been preferred against the order passed by the Additional Commissioner in appeal No. 74 of 2018 dated 7.12.2018. Learned counsel for the petitioner has assailed the impugned orders mainly on the ground that the order passed by the Collector is without granting any opportunity of being heard to the petitioner and the Additional Commissioner has also not considered the said aspect.
3. Learned A.G.P., on instructions, submits that the petitioner will be given an opportunity of being heard again if the matter is remanded to the Collector. Learned A.G.P. submits that the matter was heard by the Sub Divisional Officer which is contrary to the provisions of law and thus, after remand, the Collector concerned will hear the matter by giving opportunity to both sides.

4. Learned counsel for respondent No.4-original complainant submits that on remand, the Collector may be directed to hear respondent No.4-original complaint and the Collector may also be directed to dispose of the proceeding in a time bound manner.

5. In view of the above submissions, I proceed to pass the following order:-

O R D E R

- I. Writ petition is hereby partly allowed.
- II. The impugned order dated 26.7.2018 passed by the Collector, Beed in file No. 2018/GB/Desk-2/VPE/KAVI-904 and the order dated 7.12.2018 passed by the Additional Commissioner, Aurangabad No.2, Office of Divisional Commissioner, Aurangabad, in appeal No. DB/Desk-2/ZPVP/Appeal/CR/74 of 2018 are hereby quashed and set aside.
- III. The matter is remanded to the Collector for inquiry afresh after giving opportunity to the petitioner, so also the respondent No.4. The Collector shall decide the application for disqualification afresh, within three months from the date of appearance of the parties before the Collector.
- IV. The parties shall appear before the Collector, Beed on 15.04.2020 at 10.30 a.m..
- V. Writ petition is accordingly disposed of.

(V. K. JADHAV, J.)