

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

926 WRIT PETITION NO.7953 OF 2021

MANDAKINI EKNATHRAO WAGH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

...

Mr. S.K. Naikwade, Advocate for the petitioners.
Mr. S.W. Munde, A.G.P. for State/respondent Nos.1 to 4.

...

CORAM : **AVINASH G. GHAROTE, J.**

DATE : 27-07-2021.

ORDER :

1. Heard Mr. Naikwade, learned counsel for the petitioners. The only grievance raised, is that the impugned order dated 16.06.2021, has been passed by respondent No. 4, without hearing the petitioners, who were necessary to be heard, as the order dated 27.02.2018, was passed by the respondent No. 4 on the application of the petitioners.

2. It is not disputed by the learned A.G.P. appearing for respondent Nos.1 to 4 that the order dated 27.02.2018, was passed upon an application by the present petitioners, under Section 2A, 5 and 6 (a) of The Hyderabad Abolition of Inams and Cash Grants Act, 1954, by the respondent No. 4. He however contends, that this order has not been passed by respondent No. 4, but is a fabricated order, since it is not found in the file.

3. The order dated 16.06.2021, which sets aside the order dated 27.02.2018, admittedly has been passed, without noticing and hearing the petitioners and therefore, the same cannot be sustained. The same is therefore quashed and set aside and the matter is remanded back to respondent No.4 to take appropriate action, as per law, only after noticing the petitioners, and hearing them. The petitioners, undertake to appear before respondent No. 4 on 13th August 2021 at 11.00 a.m.

4. The petition is accordingly allowed in above terms.

(AVINASH G. GHAROTE, J.)

VD_Dhirde