

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

28 WRIT PETITION NO.767 OF 2021

SHANKAR HIRAMAN KHALANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Yogesh B. Bolkar
AGP for Respondent Nos. 1 & 2: Mr. A.R. Kale
Advocate for Respondent Nos. 3 to 5 : Mr. N.N. Desle

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

DATED : 18th JANUARY , 2021.

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PER COURT :

1. Mr. Bolkar, learned counsel for the petitioner submits that the petitioner is Ex-Sarpanch of Grampanchyat, Ner. Without notice to the petitioner and without hearing the petitioner, the respondents have fastened liability upon the petitioner on the ground of alleged irregularities. No opportunity was given to the petitioner to put-forth his stand. The petitioner is not guilty of any misappropriation nor has engaged in any illegal act.

2. Mr. Desle, learned counsel appears for respondent Nos.3 to 5 and submits that illegality was committed by the petitioner with Gramsevak.

3. It appears that the petitioner is not issued any show cause notice before fastening the liability. Respondent also cannot point out any show cause notice issued to the petitioner.

4. In the light of above, we pass the following order:

ORDER

1. The impugned notice shall be construed as show cause notice to the petitioner.

2. The petitioner is at liberty to file reply to the show cause notice within a period of 10 days from today. Upon receipt of the reply, the respondent authority shall consider the say filed by the petitioner and thereafter take decision about the liability qua the petitioner on its own merit.

3. Till the decision is taken as observed above, no further steps be taken by the respondents.

4. It is made clear that upon the decision being taken, the respondent is at liberty to proceed further so also the petitioner may have remedy to assail if order is adverse.

5. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)

vsm/-