

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

925 WRIT PETITION NO.13188 OF 2021

**VIKAS SUNIL SONJI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner: Mr. Salunke V. D.
GP for Respondent No. 1: Mr. D. R. Kale
Advocate for Respondents No. 2&3:
Mr. P. P. Mandlik

...

**CORAM: S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE: 02nd DECEMBER, 2021

PER COURT:

1. Heard Mr. Salunke, learned Counsel for the Petitioner and Mr. Mandlik, learned Counsel for Respondents No. 2 and 3, so also, the learned Government Pleader for Respondent No. 1.

2. It is submitted that the order impugned, dated 22.11.2021 is passed ex-parte without notice to the Petitioner without hearing the Petitioner.

3. Mr. Mandlik, the learned Counsel submits that the Petitioner has alternate remedy under Clause 55 of the Rules before the Collector and

earlier also the Collector has entertained the proceedings.

4. According to Mr. Salunke, the learned Counsel there is no remedy as per the Rules.

5. It appears from the order that the said order is without notice to the Petitioner.

6. It has been submitted by the Respondents that earlier also such Appeals are entertained by the Collector and interim orders are also passed.

7. In light of the contention of the Respondents that, alternate remedy is available, we pass the following order.

8. The Petitioner may file an Appeal before the Collector within a period of seven (07) days from today.

9. For a period of 15 days from today the impugned order shall be stayed so as to enable the Petitioner to pray for further orders before the Collector. The Collector shall decide the Appeal

after hearing the Petitioner. All contentions are kept open.

10. Writ Petition accordingly stands disposed of.

No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

marathe