

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4815 OF 2021

Prabhakar Dattatray Ganbote

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

-
- Mr. Mandar Soman for the Petitioner
 - Ms. S.D. Vyas, 'B' Panel counsel for the State
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CORAM : S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.

DATE : SEPTEMBER 1, 2021.

P.C.:

The Petitioner has filed the above Petition, *inter alia*, seeking the following relief:-

- "b. This Hon'ble Court by issuing appropriate Writ, Order or direction be pleased to quash and set aside the Notice of Recovery dated 02.01.2020 [Exhibit -A] issued by Respondent No. 3."

2. By the subject Notice dated 02.01.2020, Respondent No. 3 has sought to recover an amount of Rs. 20,27,502.00. The only reason mentioned in the notice is that the amount sought to be recovered is as per the internal audit report. The amount claimed is for the period from 2004 to 2008 and 2008 to 2010. Particulars of the land/property in respect of which the amount is claimed is not set out in the notice. Also the provision of law under which the notice is issued is not

mentioned. No hearing is given to the Petitioner though as stated above, the recovery notice is issued for the period which is 16 years old. In view thereof, the Recovery Notice dated 02.01.2020 is quashed and set aside.

3. The Respondents are at liberty to issue fresh notice providing all the necessary particulars to the Petitioner and pass an order after giving hearing to the Petitioner and / or his Advocate.

4. All contentions of the parties are kept open.

5. Writ Petition is accordingly disposed off.

[MILIND N. JADHAV, J.]

[S. J. KATHAWALLA, J.]

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