

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3344 OF 2020

Ramchandra Maharaj Seva Bhavi
Bahu Uddeshiya Sanstha, Ganeshpur,
Taluq Khamgaon, District Buldhana,
bearing Registration No.3976/Buldhana/
F-996, through its Member Shri Vijay
Raghoji Kokre, aged 45 years, at post
Ganeshpur, Taluq Khamgaon,
District Buldhana 444 303.

... Petitioner

- Versus -

- 1) The State of Maharashtra, through
Additional Chief Secretary,
Tribal Development Department,
Madam Cama Road, Hutatma
Rajguru Chowk, Mantralaya,
Mumbai 400 032.
- 2) The Commissioner, Tribal
Development, Maharashtra State,
Adiwasi Vikas Bhavan, 1st Floor,
Gadkari Chowk, Old Agra Chowk,
Nashik.
- 3) The Additional Commissioner,
Tribal Development, Opposite Police
Headquarters, behind T.B. Hospital,
Camp Amravati.

... Respondents

Shri A.M. Sudame, Advocate for petitioner.

Shri D.P. Thakare, Additional Government Pleader for respondents.

CORAM : SUNIL B. SHUKRE AND
ANIL L. PANSARE, JJ.

DATED : NOVEMBER 15, 2021

ORAL JUDGMENT (PER SUNIL B. SHUKRE, J.) :

Heard Shri Sudame, learned Counsel for the petitioner and Shri Thakare, learned Additional Government Pleader for the respondents.

2) Rule, returnable forthwith. Heard finally by consent of the learned Counsel for the parties.

3) On carefully perusing the impugned order dated 11/9/2020, we are convinced that the same has been passed without applying mind to the effect of the judgment of this Court, rendered on 11/7/2019 in Writ Petition No.7284/2017. This Court had then quashed and set aside the original order of withdrawal of recognition passed by the Commissioner, Tribal Development, Nashik on 5/11/2016 and, therefore, the order passed by the State Government in appeal confirming the order dated 5/11/2016 passed by the Commissioner, Tribal Development had also ceased to exist. That being so, it was necessary for the State Government to take a fresh decision on the appeal filed afresh by the petitioner after a fresh

order was passed by the Tribal Commissioner on 30/12/2019, but this has not been done by the State Government. The impugned order dated 11/9/2020 is, therefore, illegal and it must go.

4) In the result, the petition is allowed. The impugned order dated 11/9/2020 is hereby quashed and set aside. The respondent no.1 is directed to decide the appeal bearing No.155/2020 filed on 14/2/2020 afresh, in accordance with law, after hearing the petitioner. The petitioner is directed to appear before the respondent no.1 on 29/11/2021 and the respondent no.1 is directed to decide the appeal afresh, in accordance with law as early as possible, preferably within eight weeks from the date of appearance of the petitioner before respondent no.1. Rule accordingly. No costs.

JUDGE

JUDGE

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