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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8600 OF 2022

Neeraj Vishnukumar Gupta

... Petitioner.

V/s

The State of Maharashtra and Ors.

.... Respondents.

Ms. Bobby Malhotra for the Petitioner.

Mr. P.V. Nelson Rajan, AGP for Respondent Nos. 1 to 5.

CORAM: NITIN W. SAMBRE, J.

DATE: JULY 21, 2022

P.C.:-

1] Heard. Order impugned is dated 13/06/2022 passed in exercise of powers under the Rules framed under the Maharashtra Police Act in relation to operation of performance licence.

2] Deputy Commissioner of Police Head quarter – 1, Shri. Sham Ghuge who has passed the order impugned is claimed to have not heard the matter. It is claimed by the Petitioner the hearing was concluded before his predecessor and as such, the contention is,

order impugned is passed without granting hearing to the petitioner.

3] In response to the above submissions, this Court has called upon learned AGP to take instructions. Deputy Commissioner who has passed the order impugned vide communication dated 07/07/2022 informed that he shall be granting fresh hearing in the matter so as to enable him to pass appropriate order.

4] As a sequel of above communication, what can be noticed is, claim put forth by the Petitioner is justified as order impugned is passed without granting hearing to the Petitioner.

5] As such, order impugned since was passed in violation of principles of natural justice, same is hereby quashed and set aside.

6] Petitioner agrees to appear before Deputy Commissioner of Police on 10/08/2022 with written notes of arguments and also assures that argument shall be concluded on the said date or such other date which shall be fixed by the said officer thereafter. Needless to clarify that it is open for the Petitioner to produce additional said documentary evidence, if any alongwith his written notes.

7] Petition as such stands allowed in the above terms.

8] As a consequence of above, Counsel for the Petitioner undertakes to withdraw the appeal pending before the State Government, questioning the order impugned.

(NITIN W. SAMBRE, J.)