

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 6174 OF 2022

Rab bul Nayamul Khan__ Vs. __ State of Maharashtra and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.L.Kadu, Advocate for petitioner

Ms. Shamsi Haider, AGP for respondent Nos. 1 to 4

CORAM : AVINASH G. GHAROTE, J.

DATE : 07/10/2022

1] On 4.10.2022, after hearing the learned counsel for the petitioner, the following order was passed.

“Though the impugned order dated 04.08.2022 (page 19) indicates, that a notice was given to the petitioner before passing of the impugned order, a grievance is raised by Mr. Kadu, learned counsel for the petitioner, that this is not so, considering which, only to this limited extent, issue notice to the respondents, for final disposal of the matter at the stage of admission itself, returnable on 07.10.2022.

2. Mrs. Haider, learned AGP waives service of notice for the respondent Nos. 1 to 4/State”.

2] Today, learned AGP submits that a notice by ordinary post was sent on 2.8.2022 to the petitioner

calling upon him to remain present on 3.8.2022, which admittedly would not be a notice for a reasonable period, apart from which the very question of service of the notice upon the petitioner during the above time frame remains doubtful, considering which the impugned order dated 4.8.2022 is hereby quashed and set aside.

3] The petitioner is directed to appear before the Respondent No.4 on 14.10.2022 along with his submissions between 11.00 to 2.00 p.m and the learned Tahsildar is requested to decide the matter by 21.10.2022

4] Petition is allowed in above terms. No costs.

JUDGE

Rvjalit