

vai

VASANT
ANANDRAO
IDHOL

Digitally signed by VASANT
ANANDRAO IDHOL
Date: 2023.03.20 13:14:50
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7518 OF 2019

Sunanda R. Kharait (Kulkarni) & Ors. ...Petitioners
V/s.
The State of Maharashtra & Ors. ...Respondents

Mr.G.S. Jadhav for the Petitioners.

Mr.V.S. Gokhale, "B" Panel Counsel for the State – Respondent
Nos.1 to 5.

CORAM : R.D. DHANUKA &
GAURI GODSE, JJ.
DATE : 15TH MARCH, 2023.

P.C. :-

1. Rule. Mr.Gokhale, "B" Panel Counsel waives service for the Respondent Nos.1 to 5. Rule is made returnable forthwith. By consent of parties, the Petition is heard finally at the admission stage.
2. This Petition is filed for seeking directions against the Respondent Nos.1 to 5 to return the amount paid by the Petitioners as well as the prayers are made for payment of compensation. Learned counsel for the Petitioners states that he is pressing the prayers with respect to conducting an enquiry as ordered by the learned Additional Collector by an order dated 16 September, 2013.

Learned counsel for the Petitioners states that by an order dated 16 September, 2013, learned Additional Collector, Pune had directed to the learned Tahsildar, Shirur to hold a fresh enquiry and the matter was remanded back to the learned Tahsildar. By the said order, the Petitioners were allowed to submit the bank guarantee for balance amount of fine by submitting an undertaking of the bank guarantee for compliance of the order. Learned counsel for the Petitioners submits that pursuant to the said order, the bank guarantee was furnished for balance amount of fine and the vehicles were released. However, fresh enquiry ordered by an order dated 16 September, 2013 is not yet conducted.

3. Learned counsel for the Petitioners submitted that till date, the enquiry has not been conducted and the bank guarantee furnished by the Petitioners is still lying with the Respondent No.3 – Tahsildar.

4. Hence the following order is passed :-

a). The Tahsildar – Respondent No.3 shall conduct and conclude the necessary enquiry as ordered by an order dated 16 September, 2013 passed by the Additional Collector, Pune within a period of six months from the date of appearance of the Petitioners before the learned Tahsildar.

b). The Petitioners will appear before the Tahsildar on 30

March, 2023 at 11:00 a.m.

c). Learned “B” panel counsel agrees to communicate this order to the learned Tahsildar. At the time of conducting an enquiry, Tahsildar to also pass necessary orders with respect to the bank guarantee furnished by the Petitioners with the learned Tahsildar.

d). In the event the result of an enquiry is adverse to the Petitioners, the bank guarantee furnished by the Petitioners shall not be encashed for the period of three weeks from the date of communication of the result of the enquiry to the Petitioners.

e). In the event of the result of enquiry is in favour of the Petitioners, the bank guarantee furnished by the Petitioners shall be returned to the Petitioners duly cancelled.

5. In view of the aforesaid directions, learned counsel for the Petitioners on instructions states that the Petitioners do not press for prayer clauses made in the Petition at this stage.

6. The Petitioners would be at liberty to take out appropriate proceedings with respect to prayer clauses in the Petition depending upon the result of the enquiry.

7. The Writ Petition is disposed of in aforesaid terms. Rule is made absolute accordingly. All concerned parties to act on the authenticated copy of this order. No order as to costs.

(GAURI GODSE, J.)

(R.D. DHANUKA, J.)