

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3973 OF 2023**

Devidas Anandrao Pingale

....Petitioner

V/s.

Agricultural Produce Market Committee
Nashik & Ors.

...Respondents

Mr. Kishor Patil i/b Mr. Pratik Rahade for Petitioner.

Mr. Sachin Gite for Respondent.

Ms K. N. Solunke, AGP for State Respondent nos.2, 4, 5 & 6.

Mr. Shailesh Surve, Desk Officer, Mantralaya.

**CORAM : K.R. SHRIRAM &
RAJESH S. PATIL JJ**

DATED : 29th MARCH 2023

P.C. :

1 The grievance in the petition is, as submitted by Mr. Patil that the notice for personal hearing that was scheduled to be held on 24th March 2023, was served only on 25th March 2023. Ms Solunke on instructions from Mr. Shailesh Surve, Desk Officer, Mantralaya, states that the notice was issued on 23rd March 2023 and the Desk Officer called petitioner and informed that the personal hearing is fixed at 1.30 p.m. on 24th March 2023. Mr. Patil denies that any such telephonic call has been received from the so called Desk Officer. The indisputable fact is that the written notice was delivered only on 25th March 2023. Ms Solunke had no explanation when the court queried as to why the notice for personal hearing of 24th March

2023 has been issued only on 23rd March 2023. State of Maharashtra is directed that in all those matters where personal hearing has to be given, they shall give minimum five working days notice to all parties in every matter, and that applies to this matter as well. This is a direction that shall apply to personal hearing before every authority.

2 Copy of this order to be sent to the Principal Secretary, Law and Judiciary Department, who shall circulate this order to every department. This will ensure courts are not saddled with this kind of petitions. By giving less than 24 hours notice or short notice is against the principles of natural justice. State of Maharashtra is put to notice through its Chief Secretary that if, such notices are brought to the notice of the court, this court may impose substantial costs to be recovered from the salary of Principal Secretary of the concerned department. Copy of this order be also sent to the Learned Advocate General of Maharashtra, for information and necessary action.

3 As regards the matter at hand, we are informed no order has been passed and the personal hearing is scheduled to be held on 10th April 2023 at 2.30 p.m. Mr. Patil states petitioner will attend the personal hearing either in person or through his duly authorised Advocate / representative.

4 Should petitioner wish to file written submissions recording what had transpired during the personal hearing, he shall submit the same within three working days after the personal hearing. The order to be passed shall be a reasoned order dealing with every submission of petitioner.

5 Petition disposed.

6 We clarify that we have not made any observations on the merits of the matter.

(RAJESH S PATIL, J.)

(K.R. SHRIRAM, J.)