

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

WRIT PETITION 7654 OF 2022

J.D. GUEST HOUSE,
Through its Proprietor
Smt. Vanita w/o. Dilip Jadhav,
aged about 52 yrs, occ. Business,
R/o. Plot No. 4, Pankaj Gruh Nirman,
near Jain Mandir, Mahavir Nagar,
Ranala, Kamptee,
District Nagpur.

.....PETITIONER

...VERSUS...

Gram Panchayat Ranala,
through its Sarpanch,
Kamptee, District Nagpur

..RESPONDENT

Mr. Girish Dipwani, counsel for petitioner.
Mr. D.C. Chahande, counsel for respondent.

CORAM:- ROHIT B. DEO & Y.G. KHOBRAGADE, JJ.
DATE : 31.01.2023

JUDGMENT (Per: Rohit B. Deo, J.)

The petitioner was issued no objection by Gram Panchayat, Ranala, Kamptee on 29.3.2022 for operating a guest house at mouza – Ranala.

2. It does not appear to be in dispute that no objection is issued on the basis of Resolution dated 28.3.2022.

3. According to the petitioner, she has entered into an operating agreement with Oravel Stays Private Limited, and notwithstanding the absence of any wrongdoing or misconduct, the Secretary of the Gram Panchayat issued communication dated 1.11.2022, informing the petitioner that no objection is cancelled. The said communication refers to Resolution of the Gram Sabha dated 29.10.2022.

4. The submission of the learned counsel is that there was no formal show cause notice inviting the attention of the petitioner to alleged wrongdoing, and in particular, directing the petitioner to show cause against a particular punitive action. According to the petitioner, all that was done was to summon her husband in the meeting who told the meeting that while the no objection can be cancelled, the same may be done after following due process.

5. We have not come across any formal or structured show cause notice which can be considered as an effective opportunity of show cause against the cancellation of the no objection certificate. In normal course, the Gram Panchayat ought to have issued a show cause notice to the petitioner articulating

the incriminating material and putting the petitioner on notice that the no objection certificate may be cancelled. In the absence of such opportunity, we have no option but to quash the impugned communication.

6. While we are quashing the impugned communication which informs the petitioner that the no objection is cancelled, we permit the Gram Panchayat, Ranala to proceed in accordance with law and to take a fresh decision after adhering to the principles of natural justice.

7. If so advised, the Gram Panchayat, Ranala may serve a formal and structured show cause notice on the petitioner within the next fifteen days.

8. The petitioner shall be given an opportunity of submitting her explanation, and of further appearing before the Gram Sabha for personal hearing.

9. The Gram Panchayat, Ranala shall take an appropriate decision after giving due consideration to the reply to the show cause notice, if submitted, and after hearing the petitioner.

10. If Gram Panchayat, Ranala opts to issue show cause notice to the petitioner, we direct that the petitioner shall cooperate and no time or adjournment shall be sought for filing the reply.

11. The petition is partly allowed in the aforestated terms.

(Y.G. Khobragade, J.)

(Rohit B. Deo, J.)

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