



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO. 198 OF 2024

AJAY DILIPRAO KOMATWAR

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

.....Respondent

.....

Mr. Sunil M. Vibhute, Advocate for the Petitioner
Mr. S. K. Tambe, AGP for Respondents State

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRADE, JJ.

DATE : 5th January, 2024

ORDER:

1. We have heard the learned Advocate for the Petitioner who is a Sarpanch of Grampanchayat Dinrud, Tq. Majalgaon District Beed. With the assistance of the learned AGP, we have perused the original file pertaining to the claim of the Petitioner.

2. Though the Petitioner tries to canvass before us that he heard that the date of hearing in his proceeding was 18th January, 2024, it was factually 18th December, 2023. The record reveals that the notice of hearing dated 21.11.2023 was served on the Petitioner along-with a copy of the vigilance cell inquiry report. The date of hearing was posted on 08.12.2023, granting more than the statutory period of 15 days. The Petitioner was absent as per the record. The next date was posted on

15th December, 2023. As per the record, the Petitioner was again absent. The matter was then posted to 18th December, 2023. As per the record the petitioner still remained absent.

3. The learned Advocate for the Petitioner submits that there are 20 validity holders amongst the closest blood relatives from the paternal side. Three of them have been granted validity by the High Court. Though a skeletal family tree was tendered before the Committee, he wants to file a detailed family tree to indicate how he is related to these 20 validity holders. He is willing to deposit cost of Rs.25,000/- in order to facilitate him an opportunity of re-hearing.

4. The learned AGP opposes the above request tooth and nail. He submits that in such matters, this Court should not show any sympathy to such litigants.

5. Having considered the submissions of the litigating sides, it is apparent that the Petitioner was not heard, though he could blame himself for failing to participate in the hearing despite having full knowledge of the dates of hearing. He is willing to deposit cost of Rs.25,000/-. The learned AGP graciously submits that the same can be donated to the Advocate's Association of Bombay High Court, Bench at Aurangabad.

6. In view of the above, **this Petition is partly allowed** only in the peculiar facts and circumstances recorded above and subject to the following conditions:

- (A) An amount of Rs.25,000/- would be deposited with the Advocate's Association of Bombay High Court, Bench at Aurangabad, within one week and the receipt be placed before the Committee.
- (B) The Petitioner shall tender written explanation to the vigilance cell report alongwith documents, that he may desire to tender, on 10.01.2024 at 12.00 noon.
- (C) Any further request for time or for any cause of any nature whatsoever, would not be entertained. The Petitioner is agreeable.
- (D) Written notes of submissions can also be filed on 10.01.2024.
- (E) Let the committee pass a reasoned order after considering the explanation of the Petitioner and the documents tendered, on or before 15.02.2024.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)