



(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6072 OF 2024

BALAJI VENKATESH KOTTAWAR

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHERS**

....

Mr S. C. Yeramwar, Advocate for Petitioner

Mr A. R. Kale, G.P. for Respondent Nos.1 to 5

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 16th August, 2024

PER COURT:

1. Notice was issued on 26/06/2024. Affidavit-in-reply was to be filed on or before 10/07/2024. On 15/07/2024, we recorded that the Government was to file the affidavit-in-reply during the course of the day. Hence, liberty was granted to the Petitioner to file a rejoinder affidavit. For the last 30 days, the Government has not filed it's affidavit-in-reply. It is in these circumstances, that we are proceeding to hear this matter.

2. The Petitioner has put forth prayer clauses (A) and (B), which read as under :-

(2)

“A. By issuing the writ of Mandamus or any other appropriate writ in like nature under Article 226 of the Constitution of India, this Hon’ble Court may kindly direct the Respondent no. 4 and 5 i.e. Circle Officer and Talathi to implement the order dated 30.05.2022 passed by the Add. Tahsildar, Chhatrapati Sambhaji Nagar (Aurangabad).

B. This Hon’ble Court may kindly be pleased to direct Respondent no. 2 District Collector to conduct departmental enquiry and to initiate Criminal proceedings against Respondent no. 6, 7 and 8.”

3. It is obvious that, Respondent Nos.4 and 5 are not obeying the order of the Additional Tahasildar, Chhatrapati Sambhajinagar, dated 30/05/2022.

4. In view of the above, we direct Respondent No.2/ District Collector, Chhatrapati Sambhajinagar, to call for an explanation from Respondent Nos.4/Circle Officer and Respondent No.5/Talathi, as to why they are not implementing the order of Respondent No.3/Additional Tahasildar. We leave it to the District Collector to deal with these two Officers as is permissible in law and keeping in view the provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005.

(3)

5. Let the grievance of the Petitioner be redressed within 60 days from today.

6. With the above directions, **this Writ Petition is disposed off.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk