



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 WRIT PETITION NO. 3942 OF 2016

KHIRABAI KRUSHNA RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. V. S. Kakde, Advocate for the Petitioner
Mr. S. G. Sangle, Addl. G.P. for the Respondent/State

CORAM : R. M. JOSHI, J.

DATE : 24th SEPTEMBER, 2025

P.C. :-

1. This Petition takes exception to the order impugned essentially on the ground that the order came to be passed without any notice or chance of hearing to the Petitioner and N.A. permission granted came to be suo moto cancelled of the Authority.

2. Since the contention was raised with regard to the Petitioner not being heard before passing order which is adverse to him, this Court has called upon to learned AGP to take instructions and to call for the file to ascertain the said fact. In spite of granting sufficient opportunity to the concerned the Authority are enable to forward the proceeding for the perusal of this Court.

3. This Petition is pending since the year of 2016. This Court finds that no further opportunity needs to be given to the Respondent to substantiate their contention about giving opportunity of hearing to the

Petitioner before passing of the impugned order.

4. There cannot be any dispute about the fact that the rights of the Petitioner are adversely affected with the impugned order. Since the said order is passed without hearing or without giving any opportunity of hearing to the Petitioner, the same cannot sustain. Consequently, the order impugned stands set aside. The proceeding is relegated back to the Respondent No.3 for decision afresh. It is expected that the fresh order is passed after hearing for the concerned parties.

5. In view of the above, Petition is disposed of in above terms.

(R. M. JOSHI, J.)

ssp