



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9022 OF 2024

Gunaji Ramji Surnar

....Petitioner

VERSUS

The State of Maharashtra & others

.....Respondents

.....

Mr. V. D. Salunke, Advocate for the Petitioner.

Mr. S. G. Sangle, Addl. GP for the State.

CORAM : R. M. JOSHI, J.

DATE : 11th SEPTEMBER, 2025.

PER COURT :

1. After hearing learned counsel for the Petitioner, this Court is shocked to know that the Tahsildar Ahmedpur has initiated action against the Petitioner for the reason that allegedly a JCB was found in his field. There is no further allegation that even any attempt was made extract the minerals from the land. Admittedly, nothing is seized including alleged JCB.

2. Learned counsel for Petitioner submits that concerned Talathi had called Petitioner to police station and notice came to be served upon him. A grievance is made by learned counsel for Petitioner that though specific reply has been given by the Petitioner

to the alleged show cause notice served upon him, no opportunity of hearing is given to him before passing of order by Tahsildar. He has further grievance to make that the order passed by the Tahsildar without hearing the Petitioner came to be challenged before the Sub-Divisional Officer and this authority though finds that the Tahsildar has no power, passed the same order as passed by the Tahsildar. This order was taken exception to before the Collector and Commissioner, who did not pay any heed to the specific contentions raised and confirmed the order.

3. These are shocking state of affairs. This Court finds prima facie substance in the contention of Petitioner that notice in question and orders impugned are not bonafide but made with ulterior motive or extracting illegal gratification. It would therefore be absolutely necessary to call upon all concerned to file affidavit as to why appropriate action should not be taken against him in case substance is found in the grievance made by Petitioner.

4. Learned Addl. GP to communicate this order to all concerned. Affidavits by all concerned authorities be filed on or before 24.09.2025.

5. Stand over to 24.09.2025.

(R. M. JOSHI)
Judge

dyb