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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 18638 OF 2024

Ashok Babanrao Rakshe	)	
Age: 56,	)	
Rashe Wadi, Taluka – Khed,	)	
District – Pune, Maharashtra	)	... Petitioner
V/s		
1] Tahsildar, Khed,	)	
Address – Tal – Khed, District Pune.	)	
	)	
2] Sub Divisional Officer,	)	
	)	
3] Suman M. Mohite	)	
Age 46, Occ: Nil	)	Respondents.

Mr. Drupad Patil a/w Mr. Ajinkya Patil, Advocates for the petitioner.
Ms. Madhavi Tavanandi a/w Mr. Suraj B. Chakor, Advocates for respondent no.3.
Mr. N.C. Walimbe, Additional Government Pleader a/w Mr. S.P. Kamble, Assistant Government Pleader for respondent nos. 1 and 2.

**CORAM : A. S. CHANDURKAR &
M. M. SATHAYE, JJ.**

DATE : 11TH MARCH, 2025

ORAL JUDGMENT (Per A.S. Chandurkar, J.)

1] Rule. Rule made returnable forthwith and heard learned counsel for the parties.

2] The challenge raised is to the order dated 10/12/2024 passed by the Tahsildar, Khed, District Pune thereby cancelling the Income

Certificate issued to the petitioner on 27/03/2023 as well as the Economically Weaker Section Certificate dated 31/03/2023. The principal ground of challenge is that the adverse material that was placed before the Tahsildar for consideration was not supplied to the petitioner. Similarly, without giving sufficient time to file reply the impugned order came to be passed. Considering these grounds, notice was issued on 13/12/2024 in the writ petition.

3] The learned counsel for the respondent no.3 submits that since the alternative remedy of approaching the superior authority is available to the petitioner for challenging the impugned order, the writ petition may not be entertained. However considering the fact that the impugned order has been passed in breach of principles of natural justice, we are not inclined to uphold this objection.

4] Undisputedly, a copy of the inquiry report and adverse documentary material relied upon by the respondent no.3 and referred to in the impugned order was not supplied to the petitioner to enable him to contest the same. In absence of this material, the petitioner was not in a position to put forth his case. It is thus evident that the impugned order suffers from material irregularity inasmuch as it has been passed in breach of principles of natural justice. In that view of

the matter, the impugned order is liable to be quashed and set aside. The proceedings ought to be re-considered on merits.

5] For the aforesaid reasons, the following order is passed:-

(i) The order dated 10/12/2024 passed by the Tahsildar, Khed, District Pune is set aside.

(ii) The proceedings are remanded for fresh consideration by the Tahsildar in accordance with law.

(iii) All material on record that is sought to be relied upon in support of the complaint shall be supplied to the petitioner. Similarly, the documents on which the petitioner seeks to rely shall be supplied to the respondent no.3.

(iv) In view of the fact that the petitioner on 09/12/2024 had made an application before the Sub-Divisional Officer to transfer the proceedings before some other Tahsildar which request is not opposed by the respondent no.3, it is directed that the Sub-Divisional Officer, Khed shall assign the present proceedings to some other Tahsildar from any adjoining Taluka.

(v) The proceedings be considered on its own merits and in accordance with law. All points raised are kept open. The said proceedings stand expedited and shall be decided preferably within a period of three months from receipt of copy of this judgment.

(vi) The learned counsel for the parties submit that their respective clients would maintain decorum when the proceedings are conducted before the Tahsildar. Subject to parties maintaining decorum before the Tahsildar, if any adverse order is passed, it is open for the Tahsildar to grant some time so as to defer its effect to enable the remedy of appeal to be availed.

6] Rule is made absolute in the aforesaid terms with no order as to costs.

(M. M. SATHAYE, J.)

(A. S. CHANDURKAR, J.)