

WRIT PETITION NO. 2163 OF 2025

Dilip Electrical Contractor	}	Petitioner
Versus		
The State of Maharashtra & Ors.	}	Respondents

Mr. Narayan G. Rokade with Mr. Siddharth R. Ghodke, Mr. Abhang Suryawanshi and Mr. Harishchandra Jadhav for petitioner.

Mr. O. A. Chandurkar, Additional Government
Pleader with Ms. G. R. Raghuwanshi, AGP for
respondents 1 to 4.

**CORAM: ALOK ARADHE, CJ. &
ARIF S. DOCTOR, J.**

DATE: FEBRUARY 18, 2025

ORDER: (Per Chief Justice)

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4. The facts giving rise to filing of the petition are that an e-tender for *Setu Suvidha Kendra* was issued on 26th May 2023 for 15 talukas of Nashik District and bids were invited. The petitioner participated in the bid and the work order was issued to the petitioner on 18th September 2023.

5. It appears that a complaint was filed against the petitioner on 8th August 2024 regarding collection of excess fees. Thereupon, a show-cause notice was issued to the petitioner seeking explanation within 24 hours. Thereafter, another complaint dated 12th August 2024 was filed by one Sharmila Dnyaneshwar Pagar and Dnyaneshwar Suresh Pagar. The Tahsildar Niphad on 3rd October 2024 directed the Deputy Tahsildar and others to conduct search of *Setu Karyalay* of the petitioner.

6. Thereafter, a notice dated 11th December 2024 was issued to the petitioner by the Tahsildar Niphad seeking explanation within a period of 24 hours. By a communication dated 12th December 2024, the petitioner sought 7 days' time to respond to the aforesaid notice as the period of 24 hours was insufficient time to respond to the notice, however, by an order passed on 5th February 2025, the Sub-Divisional Officer directed closure of the *Setu Karyalay* and suspended ID and password of the petitioner until further orders. Hence this petition.

7. Learned counsel for the petitioner has raised a singular contention that the petitioner was not granted sufficient time to respond to the aforesaid notice.

8. On the other hand, learned Additional Government Pleader fairly submitted that an opportunity of hearing shall be afforded to the petitioner and thereafter the competent authority will pass appropriate orders.

9. We have considered the rival contentions and perused the record.

10. It is pertinent to note that the notice dated 11th December 2024 was issued by the Tahsildar, Niphad, by which the petitioner was asked to submit explanation within 24 hours. The petitioner sought 7 days' time to enable him to submit explanation, however, on 5th February 2025, the Sub-Divisional Officer directed closure of *Setu Karyalay* and suspended the ID and password of the petitioner until further orders. The aforesaid action against the petitioner has been taken in flagrant violation of the principles of natural justice. The petitioner was not given an opportunity to place on record the relevant material before passing the impugned order dated 5th February 2025. The request for grant of reasonable time, which was made by the petitioner before the Tahsildar, was not dealt with.

11. For the aforementioned reasons, the impugned order dated 5th February 2025 is quashed and set aside. The competent authority shall issue a fresh notice to the petitioner granting him 7 days' time to respond to the notice, which may be issued. Thereafter, it will be open for the competent authority to afford an opportunity of hearing and to pass a fresh order in accordance with law, if so advised.

12. With the aforesaid directions, the writ petition is disposed of.

13. It is made clear that, this Court has not expressed any opinion on the merits of the case.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)