

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

WRIT PETITION NO.12518 OF 2025

Shyam Kamlaprasad Gupta

... Petitioner

Versus

The State of Maharashtra,

Through Home Department & Ors.

... Respondents

Mr. M. V. Holamagi i/b Mr. Sujit Holamagi for the Petitioner

Mr. B. V. Samant, Addl. G.P a/w Ms. Tanu N. Bhatia, A.G.P for
the Respondent No.1-State

Mr. R. Y. Sirsikar for the Respondent

***CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.
MONDAY, 13th OCTOBER 2025***

P.C :

1 Heard learned counsel for the parties.

2 By this petition, the petitioner seeks quashing and
setting aside of the impugned order dated 24th July 2025 passed
by respondent No. 3, which is annexed at Exhibit `D` to the
petition.

3 Mr. Holamagi, learned counsel for the petitioner, assails the said final order dated 24th July 2025 on the ground that neither the petitioner nor the petitioner's mother, to whom the show-cause notice was issued, was granted an opportunity of being heard before the said order was passed.

4 Learned Addl. G.P., on the other hand, states that notice was duly issued to the petitioner's mother; however, since she failed to appear, the authority proceeded to pass the final order.

5 It appears that a show-cause notice was indeed issued to the petitioner's mother, and as she failed to appear, the final order came to be passed. However, in the peculiar facts and circumstances of the present case, considering that the petitioner's mother is stated to be illiterate and could not appear before the authority, there has been a breach of the principles of

natural justice. Hence, we deem it appropriate to allow the petition on the following terms and conditions:

- (i) The impugned final order dated 24th July 2025 passed by respondent No. 3 is quashed and set-aside.
- (ii) The petitioner states that he and his mother will appear before the concerned authority, after which the authority shall be at liberty to pass appropriate orders in accordance with law, after granting them an opportunity of being heard.
- (iii) The petitioner and his mother shall appear before respondent No. 3 on the 20th October 2025 at 11:00 a.m. The respondent No. 3 shall thereafter hear the parties and pass appropriate orders on the said show-cause notice within one week from the date of such hearing.

6 Petition stands disposed of in the above terms.

7 Needless to state that, all contentions of all parties on merits are kept open.

8 All concerned to act on the authenticated copy of this order.

SANDESH D. PATIL, J.

REVATI MOHITE DERE, J.