



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 7630 of 2023

Pandurang Yadaorao Nagpure ..vs.. The Additional Commissioner, Nagpur Division, Nagpur
and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. B. S. Dhandale, Advocate for the petitioner
Ms. K. P Marpakwar, AGP for respondent nos. 1 and 2
None for respondent nos. 3 to 5

CORAM : ANIL L. PANSARE J.

DATED : 09-01-2025

Heard.

2. The petitioner – original complainant is aggrieved by order dated 6-10-2023 passed by the Additional Commissioner, Nagpur Division, Nagpur thereby remanding the enquiry back to the Additional Collector, Nagpur to consider it afresh.

3. It appears that the petitioner has filed complaint against respondent no. 5, Member of Gram Panchayat Satgaon (Vena) stating therein that he has not paid taxes within stipulated time and, therefore, should be disqualified. Learned Additional Collector, Nagpur was pleased to allow the complaint. The respondent no. 5 carried the matter before the Additional Commissioner, with a plea that he did not receive the demand notice. The Additional Commissioner remanded the matter back to the Additional Collector on the count that alleged signature of wife of respondent no. 5 below demand notice has been not verified. The Additional Commissioner noted

that the Additional Collector has not conducted enquiry on this point and accordingly, remanded the matter back.

4. Thus, according to Additional Commissioner, it was incumbent upon Additional Collector to verify whether respondent no. 5 has received the demand of taxes and in absence of such evidence, the respondent no. 5 could not be blamed of not paying taxes.

5. The petitioner's counsel failed to show from the record that there is evidence to show that notice was duly served upon respondent no. 5. His argument is that wife of respondent no. 5 has signed below demand notice and that itself should be sufficient proof.

6. True it is that, if the demand notice is accepted by wife of respondent no. 5, that would amount to good service. The respondent no. 5 has, however, raised a plea that he did not receive notice and in that context, the Additional Commissioner thought it proper to remand the enquiry back to the Additional Collector to enquire whether the signature is of respondent no. 5's wife.

7. Considering the nature of controversy, order of remand appears to be just and proper. No interference is called for in writ jurisdiction. Writ petition is dismissed.

8. Additional Collector, Nagpur shall decide the matter as expeditiously as possible and preferably within four months from today.

9. The petitioner shall appear before the Additional Collector, Nagpur on 17-1-2025. The Additional Collector shall issue notice to respondent no. 5

and other concerned parties and proceed to conduct enquiry in accordance with law.

10. Writ petition is disposed of in aforesaid terms with no order as to costs.

(Anil L. Pansare, J.)

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