

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15609 OF 2025

Akhil Bharat Krishi Go Seva Sangh

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

.....

- Mr. Vaibhav Joglekar, Senior Advocate i/by Mr. Namitkumar S. Pansare, Advocates for Petitioner
- Ms. S.D. Chipade, AGP for Respondents - State

.....

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 9, 2026

P. C.:

1. Heard Mr. Joglekar, learned Senior Advocate for Petitioner and Ms. Chipade, learned AGP for Respondents - State.
2. On 07.04.2026, this Court passed the following order:-

"1. Heard Mr. Joglekar, learned Senior Advocate for Petitioner and Ms. Chipade, learned AGP for Respondent-State.

2. The Petitioner assails order dated 28.05.2025, inter alia, which rejects the claim of the Petitioner. The Petitioner made an application to the Collector on 08.01.2025, copy of which is appended at Exhibit-I to the Writ Petition, pursuant to the order passed by the Division Bench of this Court dated 10.10.2024 in Writ Petition No.2228 of 2021, copy of which is appended at Exhibit-H to the Writ Petition.

3. The Collector has addressed a letter pursuant thereto dated 04.02.2025 to the SDO and the Tahsildar and received response in the form of reports dated 18.03.2025 and 21.03.2025 from the two authorities. These very reports are considered by the Collector while passing the impugned order and rejecting the claim of the Petitioner without hearing the Petitioner. Copies of these reports have admittedly not been given to the Petitioner.

4. The application filed by Petitioner at page No.63 prima facie refers to a detailed compilation of documents in regard to the work done by the Petitioner for the purpose of setting up animal fodder camps in four villages, namely villages:- Manjare, Zodge, Chikhalohol and Dongrale, Tal.

Malegaon, Dist. Nashik. Admittedly, the Collector, Nashik had issued orders dated 10.04.2019 and 24.04.2019 for operation of the aforementioned four fodder feeding camps by charitable institutions and Petitioner was appointed for the same.

5. The details of the entire work undertaken by the Petitioner at the aforementioned four fodder feeding camps are all contained in the COD. It prima facie appears after reading the impugned order that primarily based upon the response received from the SDO and the Tahsildar, the impugned order is passed and the material which has been placed on the record by the Petitioner in the COD has not been considered at all. Neither Petitioner has been heard.

6. The learned AGP is therefore requested by the Court to take immediate instructions from the Collector and apprise the Court as to whether the reports which are considered by the Collector in the impugned order dated 28.05.2025 were given to the Petitioner for consideration and whether Petitioner was given a personal hearing.

7. Averments in Clauses V to X to the Petition prima facie show that the Petitioner was not given notice of hearing and the impugned order has been passed in complete violation of the principles of natural justice.

8. Needless to state that the Petitioner is entitled to be given the documents and material on which the authority has relied upon while passing the impugned order and also should be granted an opportunity of hearing. Appropriate instructions shall be taken by Ms. Chipade so that order can be passed for remand and fresh hearing before the Collector in accordance with law.

9. Stand over to 9th April 2026. To be listed as 'First on Board'."

3. After taking instructions, Ms. Chipade, learned AGP would inform the Court that she has taken appropriate instructions and has been informed to apprise the Court that Collector, Nashik has called for substantive reports from SDO and Tahsildar dated 18.03.2025 and 21.03.2025 and after considering the same has determined the representation filed by Petitioner which is appended at Exh. "I", page Nos. 63-85 of Petition. However admittedly it is seen that copies of the said reports made by SDO and Tahsildar have not been given to Petitioner. That apart Petitioner has not been given an opportunity of

personal hearing which in my opinion in the present facts and circumstances of the present case ought to have been given.

4. This is a case where at the time of calamity when the State was not in a position to equip its own machinery to deal with the situation, the services of Petitioner - NGO were requisitioned by the State for the purpose of feeding fodder to the livestock and for setting up of four fodder feeding camps. In that regard Collector had issued specific orders dated 10.04.2019 and 24.04.2019 for operation of fodder feeding camps. It is the case of Petitioner that by virtue of reports filed by Tahsildar, the work done by Petitioner in all four fodder feeding camps in the four villages i.e. Manjare, Zodge, Chikhalohol and Dongrale, Tal. Malegaon, Dist. Nashik has been documented and confirmed since Petitioner has also filed substantive COD comprising of the details thereof. Petitioner has also filed its substantive representation which is appended at page Nos. 63-85 of Petition.

5. Grievance of Petitioner is that the twin reports filed by SDO and Tahsildar dated 18.03.2025 and 21.03.2025 have not been given to Petitioner. Copies of these reports therefore shall be given to Petitioner within a period of one week from today by the Collector, Nashik. Office of the Collector, Nashik shall act on a server copy of this order and on being approached by Petitioner, he shall be given copies of both the reports to Petitioner or his representative.

6. Petitioner is permitted to file reply to the twin reports of SDO and Tahsildar within a period of two weeks from the date of receipt. Same shall be accepted by the Collector's office. Once response to the said reports is filed by Petitioner, Collector shall fix the date for giving personal hearing to Petitioner and / or his Advocate. Said date shall be conveyed to the Petitioner and / or his Advocate by the Office of the Collector. Hearing shall be completed by the Collector within a period of four weeks thereafter and once the hearing is completed, reasoned speaking order shall be passed within a period of four weeks thereafter. Copy of the reasoned speaking order shall be given to the Advocate for Petitioner / Petitioner by the Office of the Collector once it is passed.

7. All contentions of the Petitioner as also the State are expressly kept open.

8. In view of the above, impugned order dated 28.05.2025 stands set aside without giving any imprimatur on merits of the matter.

9. With the above directions, Writ Petition is allowed and disposed.

[MILIND N. JADHAV, J.]

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Digitally signed
by RAVINDRA
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