

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 504 OF 2007

Mohd. Hafizuddin S/o Mohd
Jamaluddin and others .. Petitioners

Versus

The Dy. Collector (Atiyat) Beed
and another .. Respondents

Shri Rajendra G. Hange, Advocate for Petitioners.
Shri G. K. Thigle, Addl.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.**

DATE : 09TH APRIL, 2015.

PER COURT :

. The learned counsel for petitioners states that, the petitioners are the Inamdars and holding inam land bearing gut No. 95 admeasuring 14 Acres 19 Guntha situated at Jalna Road, Beed. The learned counsel submits that, the said land is governed by the provisions of the Hyderabad Atiyat Enquiries Act. The said inam land is granted to the inamdars as a service inam land for rendering services to religious institution of "Hajrat Sayyad Raziyyoddin Shah Makki Rah" as per basic Muntakhab No. 999 of 1297 Fasli. It is also contention of the learned counsel for petitioners that, the petitioners are rendering service to the said institution. Due to the illegal alienations

through Wakf Board, the Government resumed the said Inam land as per the directions of this Court in Writ Petition No. 5138 of 2000. The learned counsel submits that, the petitioners had filed Writ Petition No. 5112 of 2006. This Court directed the respondents to decide the application of the petitioners dated 26.09.2006 in accordance with law within two months. The learned counsel submits that, on 24.11.2006 the respondent passed the impugned order rejecting the application, however, while passing the said order principles of natural justice were not followed. No opportunity of hearing was given to the petitioners and straight way impugned order came to be passed.

2. On 26.03.2015, the learned Assistant Government Pleader sought time to take instructions as to whether petitioners were heard before passing order dated 26.09.2006. Today the learned Additional Government Pleader states that, instructions could not be received.

3. We have perused the impugned order. The impugned order does not suggest that opportunity of hearing was given to the petitioners or if the opportunity of hearing was given to petitioners, the contentions of the petitioners were considered. The impugned order passed by the Deputy Collector (Atiyat) only refers his opinion.

4. When this Court had directed th respondents to decide the

application filed by petitioners, it would be presupposed that the said application has to be decided in accordance with law by giving opportunity of hearing to the petitioners.

5. In the light of the above, the impugned order is quashed and set aside. The Deputy Collector (Atiyat) Beed shall decide the application dated 29.07.2005 afresh, after giving an opportunity of hearing to petitioners and all persons interested, so also follow the procedure laid down expeditiously.

6. It is made clear that, we have not considered the merits of the contentions of either of petitioners or the Deputy Collector (Atiyat) Beed, all the relevant aspects of the matter. Writ petition as such is disposed of. Rule accordingly disposed of. No costs.

[A. I. S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 15