

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

WRIT PETITION NO. 3810 OF 2014

1. Dhanraj s/o Vishwanath Kamble,
Age: 55 years, Occ: Agri.,
 2. Ayudhyabai w/o Dhanraj Kamble,
Age: 50 years, Occ: Household,
- Both are R/o. Ansarwada, Tq. Nilanga,
Dist. Latur. ...Petitioners

versus

1. The State of Maharashtra,
Through its Additional Divisional
Commissioner, Aurangabad.
2. The Additional Collector,
Latur, Dist. Latur.
3. Sub-Divisional Officer, Nilanga,
Tq. Nilanga, Dist. Latur.
4. Tanabai w/o Vishwanath Kamble (Died),
Through its Power of Attorney
Balaji s/o Vithoba Suryawanshi,
Age: Major, Occ: Agri.,
R/o. Nanad, Tq. Nilanga,
Dist. Latur.
5. Satyabhamabai w/o Ankush Kamble,
Age: Major, Occ: Agri.,
R/o. Belkund, Tq. AUSA,
Dist. Latur.
6. Suresh Daulatrao Husnale,
Age: Major, Occ: Agri.,
R/o. Ansarwada, Tq. Nilanga,
Dist. Latur. ...Respondents

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Mr. Ravinda V. Gore, Advocate for petitioners.
Mr. K.G. Patil, A.G.P. for respondent/State.
Mr. S.R. Dheple, Advocate for respondent No. 4.

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CORAM : N.W. SAMBRE, J.

DATE : 18TH MARCH, 2015

ORAL ORDER :

. The petitioners have questioned the legality and validity of the order dated 29/03/2014 passed by learned Additional Commissioner, Aurangabad Division, Aurangabad on the sole ground that the revision petitioner Tanababai in Revision No. 371 of 2012 has expired on 22/06/2013 and the order in revision came to be passed on 01/08/2013. The review on the above referred count also came to be rejected, and Additional Commissioner ordered that the review is not justified the cause on merits.

2. It is not in dispute that the revision petitioner Tanabai has expired on 22/06/2013 and the death certificate is already produced on record to that effect. As such, the revision came to be decided, so also the review at the behest of the dead person.

3. In that view of the matter, the impugned orders dated 29/03/2014 and 01/08/2013 are not sustainable.

4. Both the orders are hereby quashed and set aside.

Revision No. 371 of 2012 is restored to the file of Deputy Commissioner (Ent. Duty), Aurangabad Division, Aurangabad. The said authority shall permit the parties to bring legal heirs of the revision petitioner on record, on the application which would be filed by the petitioners within period of two weeks from today.

5. Learned Counsel for the petitioners is permitted to carry out appropriate amendment by bringing legal heirs of revision petitioner, which is required to be completed by two weeks from today, failure to comply with the same, shall result in dismissal of the revision without reference to the Court.

6. Upon amendment of the memo of revision, the Deputy Commissioner, Aurangabad shall proceed to decide the said revision on its own merits and there shall be no necessity to issue fresh notices to the parties, as the parties have agreed to appear before the Deputy Commissioner, Aurangabad on 23/03/2015.

7. All steps including that of any additional evidence, if any, required to be permitted to be brought on record, additional pleadings, to be completed within period of four weeks thereafter. The Deputy Commissioner, Aurangabad shall make every endeavour to decide the revision as expeditiously as possible, in any case within

period of three months from today.

8. The writ petition stands disposed of in above terms.

[N.W. SAMBRE, J.]