

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 4947 OF 2014

VIRBHANDRA RAM PATIL AND ANOTHER
VERSUS
SYED SUBHANI SYED MOHIYODDIN AND ANOTHER

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Advocate for Petitioners : Mr. Amit A. Mukhedkar
Mr. U.B. Bilolikar, Advocate for respondent No.1.
Mr. S.P. Dound, AGP for respondent No.2.

CORAM : N.W. SAMBRE, J.
DATE : 17TH MARCH, 2015.

PER COURT:

- 1] Heard Mr. Mukhedkar, Advocate for the petitioner and Mr. Bilolikar, Advocate for respondent No.1.
- 2] The petitioner questions the legality and validity of the order dated 8th May, 2014 wherein, the Additional Collector has ordered status-quo ante in relation to the mutation entry. It is the case of the petitioner that he has purchased the property in question vide registered sale deed having Registration No. 1638, dated 10.1.1972, from the father of the respondent.
- 2] Subsequent to the death of the father of the respondent, a mutation entry regarding the property in question can be changed by the respondent in view of the partition entered into between the legal heirs which is subject matter of challenge.
- 3] Shri Mukhedkar, learned counsel submits that the impugned order is a non speaking order and there is also doubt, whether the revenue authority is armed with power of passing the order with retrospective effect.
- 4] Shri Bilolikar, learned counsel for the respondent No.1 has

opposed the petition on the various grounds. According to him, in earlier appeal the petitioner remained absent and all these facts prompted the authority to pass the order which is impugned in the present petition. The petitioner can argue the issue on merits while hearing of the revision by the Additional Commissioner.

5] Having perused the order impugned, it is noticed that the only reason observed by the Additional Commissioner is that in the facts and circumstances of the case, he is passing the order of status-quo-ante. In my opinion, this amounts to a non-speaking order and results into violation of the principles of natural justice. In absence of reasons, which establish a link between the cause sought to be agitated and the decision taken, the order has to be quashed on the ground of non-application of mind.

6] In view thereof, writ petition succeeds. The order dated 8th May, 2014, is hereby quashed and set aside. The Additional Commissioner is directed to hear and decide the revision No. 119 of 2014, on its own merits, expeditiously.

[N.W. SAMBRE]
JUDGE.

grt/-