

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7091 OF 2014

Shaikh Mohammad Shaikh
Abdul Mujawar,
Age : 70 yrs., Occu.Agriculture,
R/o Chausala, Tq. Dist. Beed ..PETITIONER

VERSUS

1. State of Maharashtra
Through the Secretary
Revenue and Forest Department,
Mantralaya,
Mumbai
2. The District Collector,
Beed, Tq. Dist. Beed
3. The Sub-Divisional Officer,
Beed, Tq. Dist. Beed
4. The Divisional Commissioner
(Revenue),
Aurangabad Division,
Aurangabad,
Tq. Dist. Aurangabad
- 4-A. The State Minister (Revenue),
Mantralaya, Mumbai
5. Yunus Jangumiya Saudagar,
Age : 55 yrs., Occu.Agriculture,
R/o Chausala, Tq. Dist. Beed ..RESPONDENTS
(Resp. no.5 – ori. Complainant)

Mr C.V. Dharurkar, Advocate for petitioner;
Mrs Y.M. Kshirsagar, A.G.P. for respondents no.1 to 4-A;
Mr U.P. Giri, Advocate for respondent no.5

CORAM : N.W. SAMBRE, J.

DATE : 3rd March, 2015

ORAL ORDER :

The order impugned in this petition, dated 23rd July, 2014, passed by the State Government, while exercising review powers, is admittedly without hearing the petitioner, in whose favour the order under review dated 28th February, 2014, was passed by the State Government.

2. The above referred position as regards non issuance of notice or not giving an opportunity of hearing to the petitioner while reviewing the order is not in dispute. In view thereof, the order at page 14 (Exh.“A” to the petition), dated 23rd July, 2014, is not sustainable. Thus, the same is quashed and set aside.

3. It is open for the State Government to hear the application of the respondent for review afresh, upon giving notice and opportunity of hearing to the petitioner and other affected parties.

4. The issue as regards tenability of the review petition is kept open.

5. Writ Petition stands allowed in above terms with no order as to costs.

(N.W. SAMBRE, J.)

amj