

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

WRIT PETITION NO. 9375 OF 2015

Anjana Machindra Gadhave

...PETITIONER

versus

Additional Divisional Commissioner
Nashik Division Nashik and others

...RESPONDENTS

.....
Mr. Mahesh S. Deshmukh, Advocate for Petitioner
Mr. S.N. Kendre, A.G.P. respondents No. 1 and 2
Mrs.M.D. Thube (Mhase) Advocate for respondent No. 4
.....

CORAM : SUNIL P. DESHMUKH, J.

DATED : 14th OCTOBER, 2015

Order :-

1. It is grievance of the petitioner that after the order dated 16th July, 2015 in writ petition No. 5512 of 2015 passed by this court, he had no notice about the matter had been closed for orders on 21-08-2015. Process-sheet annexed to the petition, particularly, Page No.55 (Annexure-L) to some extent indicates that parties were not present before the authority after order had been passed by this court.

2. After hearing learned counsel for quite some length, learned advocates fairly resile a situation wherein grievance of the petitioner about not getting opportunity of oral hearing can be met with, once again directing the appellate authority to hear the appeal filed by the present petitioner by letting opportunity to the parties concerned. This would be taken care of by directing the appellate authority to consider the appeal filed by petitioner.

3. In order to let opportunity to the parties, order dated 27-08-2015 in Gram Panchayat Appeal No. 6 of 2015 passed by Additional Divisional Commissioner, Nashik Division, Nashik stands set aside. Appeal Gram Panchayat Appeal No. 6 of 2015 on file of respondent No. 1 is restored.

4. In order to obviate the notice to the parties, learned advocates for parties agree to appear before the appellate authority on 21-10-2015. As such, no notice from the office of Additional Commissioner, Nashik is required. Thereafter, the parties to abide by the schedule by said authority.

5. After appearance of parties, the authority - respondent No. 1 to decide the appeal as expeditiously as possible, preferably within a period of four weeks, from the date of receipt of writ of this order. It is made clear that this order is not passed on merits and the authority-respondent No. 1 shall not be influenced by this order while deciding appeal on merits.

6. With aforesaid directions, writ petition stands disposed of.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK