

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD  
WRIT PETITION NO.4380 OF 2014

Shafiyoddin Jamiroddin Kazi  
and others

Petitioners

Versus

The State of Maharashtra & others

Respondents

Mr.V.S.Badakh, advocate holding for Mr.G.B.Rajale, advocate for petitioners.

Mr.N.B.Patil, A.G.P. for Respondents.

**CORAM : R.M.BORDE &**

**P.R.BORA, JJ.**

**DATE : 25th August, 2015**

**PER COURT:**

1 An affidavit-in-reply has been presented on behalf of Respondent No.2 and it is recorded in paragraphs no.4 to 8, as noted below:

"4 It is further contention of the petitioners that the said papers were not traceable and therefore case could not be decided by Respondent No.2.

5 I say and submit that, in this view of the matter petitioners were requested to supply fresh copies of the subject Case No.Act/Desk/10B/123/2004.

6 I say and submit that, on the request made by the Respondent No.2 petitioners have supplied necessary papers for reconstruction of the file on 27-3-2015.

7 I say and submit that, thereafter after scrutinizing the case, the Respondent No.2's office has by letter dated 20-8-2015 called the petitioners for hearing on 7-9-2015 to ascertain as to whether petitioners have prima facie case and whether it is necessary and appropriate to issue notices to the Respondents in the tenancy case or to decide the case on the basis of documents submitted by the petitioners and also to ascertain as to whether the Respondent No.2 has jurisdiction to entertain the petitioners above referred Watan Case.

8 I say and submit that, now the Respondent No.2's office will be considering petitioners above referred case on 7-9-2015 and would be taking further necessary steps as per law. I further say and submit that, in case Respondent no.2's office is satisfied that the petitioners have prima facie case then Respondent No.2's office may have to issue notices to at least 44 persons and then after hearing all the parties concerned may have to decide the petitioners above referred case as per law. I say and submit that, looking to the fact that the above said matter may take some time as there may be 44 persons (Respondents Tenancy case) to whom to be heard and this may require some time. I say and submit that, the Respondent no.2 is duty bound to act as per law and is also duty bound to decide above referred matter in accordance with law as expeditiously as possible and therefore, Respondent no.2 would do the needful in the matter as expeditiously as possible."

2 In view of the contentions raised in the reply, grievance raised by petitioners, in this petition, substantially stands redressed. In the event Respondent No.2 proceeds to direct issuance of notices to 44 persons (Respondents in Tenancy Case), Respondent No.2 shall decide the matter finally after following the

procedure prescribed in law, as expeditiously as possible, preferably within a period of one year from today.

3                   Writ Petition accordingly stands disposed of.

**P.R.BORA**  
**JUDGE**

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**R.M.BORDE**  
**JUDGE**