

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9349 OF 2014

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| 1] | Smt. Sushila Abaso Patil |] |
| | |] |
| 2] | Mansingh Abaso Patil |] |
| | |] |
| 3] | Prataprao Abaso Patil |] |
| | |] |
| 4] | Vishwasrao Abaso Patil |] |
| | |] |
| 5] | Ashok Abaso Patil |] |
| | |] |
| | Nos. 1 to 5 resident of Mangalwar Peth |] |
| | Taluka Karad, District Satara |] |
| | |] |
| 6] | Hanmant Ramchandra Patil, |] |
| | |] |
| 7] | Smt. Tarubai Anandrao Patil |] |
| | |] |
| 8] | Vikas Anandrao Patil |] |
| | |] |
| 9] | Prakash Anandrao Patil |] |
| | |] |
| 10] | Deepak Anandrao Patil |] |
| | |] |
| | Nos. 6 to 10 resident of Somwar Peth |] |
| | Taluka Karad, District Satara |] |
| | |] |
| 11] | Smt. Sushila Bhimrao Patil |] |
| | |] |
| 12] | Smt. Mangal Mukul Patil |] |
| | Nos.11 and 12 resident of |] |
| | Ranjit Nagar, Taluka Karad |] |
| | District Satara |] |
| | |] |
| | Through their Power of Attorney Holders] |] |
| | |] |
| 1] | Dhananjay Hanmant Panaskar |] |
| | Resident of Bahule, Taluka Patan, |] |
| | District Satara 415209 |] |

2] Dhaval Vishwasrao Patil]
140, Mangalwar Peth, Karad]
Taluka Karad]..... Petitioners.

Versus

1] State of Maharashtra]
through the Additional Chief]
Secretary (Revenue)]
New Administrative Building,]
IInd Floor, Mumbai 400 023]
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2] District Collector]
Collectorate, Satara]
Satara 415001]
]]
3] Tahsildar & Agricultural Land Tribunal]
Karad, District Satara]
]]
4] Pandharicha Maruti Devasthan Trust]
(A-153) Through the legal heirs of]
Harihar Kondiba Gurav :]
(a) Nandkumar Harihar Gurav]
(b) Suresh Harihar Gurav]
]]
Residing at 52, Mangalwar Peth,]
Karad, District – Satara]..... Respondents.

Mr. Sanjiv A Sawant for the Petitioners
Mrs. V S Nimbalkar for the Respondent Nos.1 to 3.
Mr. Nilesh S Patil for the Respondent No.4.

CORAM : R. M. SAVANT, J.
DATE : 29th June 2015

ORAL JUDGMENT

1 Rule, with the consent of the learned counsel for the parties made
returnable forthwith and heard.

2 The writ jurisdiction of this Court is invoked against the order dated 13/8/2014 passed by the Hon'ble Minister of State, Revenue and Assistance, Government of Maharashtra by which order the Application filed by the Respondent No.4 herein against the order dated 31/10/2013 came to be allowed and the directions as contained in the operative part of the said order dated 13/8/2014 came to be issued. The directions issued are to the effect that the entry of the land belonging to Class III Inam Land be deleted and that the Applicants may obtain permission of the Charity Commissioner for the sale of the land. In so far as the order dated 31/10/2013 is concerned, the said order was passed on the Application dated 9/10/2013 which was numbered as DEV-0814/CR 310/L-4 filed by the Petitioners. By the said order dated 31/10/2013, it was directed that the entry of the land belonging to Class II be deleted and permission of the Charity Commissioner be obtained for the sale of the land. It was further directed that the proceedings under Section 32 of the Bombay Tenancy and Agricultural Lands Act which are pending before the Tahsildar be expedited.

3 In so far as the order dated 13/8/2014 is concerned, the same has been challenged on the ground that the same has been passed without hearing the Petitioners. In para 17 of the Petition it has been averred that the Application dated 28/2/2014 was not even served on the Petitioners and no opportunity of any nature was given to the Petitioners. In so far as the said

avermment in para 17 is concerned, the same has not been specifically denied in the affidavit in reply filed on behalf of the Respondent/State. The learned counsel for the Respondent No.4 seeks to dispute the same, however, in the light of the fact that the State in its affidavit has not specifically denied the said fact, the objection of the Respondent No.4 cannot be sustained.

4 In my view, considering the fact that the impugned order has been passed without hearing the Petitioners, it would be just and proper to set aside the said impugned order dated 13/8/2014 and relegate the parties back to the concerned authority for a de-novo consideration of the Application bearing No.DEV-0814/CR 310/L-4. On remand the parties to appear before the authority on 14/07/2015. The authority thereafter to decide the said Application within six weeks i.e. on or before 25/08/2015. It is made clear that the contentions of the parties are kept open for being urged before the authority. The above Petition is allowed to the aforesaid extent. Rule is accordingly made absolute with parties to bear their respective costs of the Petition.

[R.M.SAVANT, J]