

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12776 OF 2015

Shaikh S. Ahmed .. Petitioner
VS.
The Additional Collector, Encroachment
and Removal & Anr. .. Respondents

Mr. V. Patil i/b. Mr. Sandeep Katke for Petitioner.
Ms A. Vhatkar - AGP for Respondents – State.

CORAM : M. S. SONAK, J.
DATE: 22 DECEMBER 2015

P.C. :-

- 1] **Not on board. Upon production, taken on board.**
- 2] Rule. With the consent of and at the request of the learned counsel for the parties, Rule is made returnable forthwith.
- 3] The grievance of the petitioner is that he was not given any notice of the hearing of the appeal by the Additional Collector / Appellate Authority. Although the impugned order states that the matter was taken up on five dates, there is really no record that the petitioner was given notice of the hearing of the appeal. On this short ground, the impugned order dated 13 October 2015 is set aside.
- 4] The matter is remanded before the Additional Collector for

fresh hearing. The petitioner shall appear before the Additional Collector on 28 December 2015 at 11.00 a.m. If, the Additional Collector is in a position to offer hearing to the petitioner on the said date, the Additional Collector may do so. If not, the Additional Collector to inform the petitioner of the next date. There shall be no necessity of sending any separate notice to the petitioner. It shall be the responsibility of the petitioner to note the next date in the matter.

5] The Additional Collector is directed to dispose of the appeal within a period of eight weeks from today. The petitioner to co-operate in the matter of expeditious disposal of the appeal. In case the petitioner delays the matter or does not co-operate, the Additional Collector may pass appropriate orders, including disposal of the appeal in the absence of the petitioner.

6] Rule is made absolute to the aforesaid extent.

7] All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)