

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.2500 OF 2015

Bajrang S/o Hanumansinha Thakur and others Vs. The State of Maharashtra and others.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.A.G.Godhamgaonkar, advocate for the petitioners.
Mr.B.V.Virdhe, A.G.P. for the State.
Mr.P.R.Katneshwarkar, advocate for Respondent Nos.5 and 14.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**

Date : 25.08.2016.

PER COURT :

1. Heard.
2. The notice U/s 50 of the Maharashtra Land Revenue Code, 1966, issued to the petitioners is assailed in the present Writ Petition.
3. The said notice is issued after the orders are passed by this Court on 8.12.2014 in PIL No.76/2014.
4. According to the petitioners, they were not parties to the PIL. Their rights are involved in the writ lands. According to the petitioners, the land in question is not a service inam land, whereas as per Respondents, the said land is Devasthan service inam land.

5. We need not enter into the said debate for the reason that the impugned notice is issued without affording any opportunity to the petitioners.

6. This Court while disposing of the Public Interest Litigation bearing No.76/2014, under order dated 8.12.2014 has directed the Respondents to proceed against the encroachers in accordance with law and if necessary after giving them proper opportunity. The impugned notice is not in the nature of a show cause notice, however, the impugned notice directs the petitioners to remove the alleged encroachment. This Court had directed the authority to take steps after giving proper opportunity. The order itself mandates that the principles of natural justice are to be followed. It was expected of the authority that proper show cause notice is issued and opportunity is given to the petitioners to put forth their stand. As the said impugned notice does not comply the said aspect, the impugned notice is hereby quashed and set aside.

7. Before taking any action as contemplated, the authority shall issue show cause notice to the petitioners giving them opportunity to put forth their case and shall after considering the stand/defence put forth by the petitioners and after hearing the petitioners take such further steps as are permissible in law expeditiously.

8. With these observations and directions, the Writ Petition

stands disposed of. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.25.08.2016.
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