

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

WRIT PETITION NO. 9479 OF 2015

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1. Tukaram Ganpati Lengule
age 58 years, Occ. Agri,
2. Prabhu @ Prabhakar Ganpati Lengule,
age 33 yrs, Occ. Agri.

Both R/o Manoli, Tq. Manwat,
Dist. Parbhani.

Petitioners.

VERSUS

1. The State of Maharashtra
Through its Secretary,
Department of Revenue and Forest,
Mantralaya, Mumbai-32.
2. The Dy. Director of Land
Record, Aurangabad Division,
Aurangabad.
3. The Consolidation Officer,
Parbhani.
4. The Superintendent
Office of Land Record,
Parbhani.
5. The Taluka Inspector of Land
Records, Manwat, Tq. Manwat,
Dist. Parbhani.

Respondents

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Advocate for Petitioners : Mr S K Chavan
AGP for Respondents: Mr P. N Kutti

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CORAM : V.K. JADHAV, J.

Dated: January 19, 2016

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ORAL JUDGMENT :-

1. Heard. Rule. Rule made returnable forthwith. With the consent of the parties, heard finally.

2. The learned counsel for the petitioners/original applicants submits that, the applicant has submitted an application before the Deputy Director of Land Records, Aurangabad under the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 for the purpose of challenging the consolidation scheme implemented in the year 1982 in village Manoli Tq. Manvat, District. Parbhani, particularly in respect of the land S.No.68/3, 67/3 and 67/4, 67/5 and new gat number 197 and 194. Learned counsel further submits that, the respondent no.2 Deputy Director of Land Records, by its impugned order dated 30.7.2012 rejected the application without giving an opportunity of hearing to the petitioners/original applicants. Learned counsel submits that, though order was passed in the year 2012, same was not communicated to petitioners/original applicants. The petitioners/original applicants recently came to know about the said order.

3. Learned AGP submits that, the impugned order was

communicated to the petitioners/original applicants in the year 2012, itself.

4. It appears from the impugned order dated 30.7.2012 that order is passed without giving an opportunity of hearing to the petitioners/original applicants. There is no endorsement in the said order that order is served on the petitioners/applicants in the year 2012 itself.

5. In view of the peculiar facts and circumstances of the case, an opportunity is required to be given to the petitioner/applicant to prosecute his application.

6. In view of this, the impugned order/communication dated 30.7.2012 passed by the respondent no.2 i.e. Deputy Director of Land Records, Aurangabad Division, Aurangabad is hereby quashed and set aside. Respondent no.2 is directed to hear the petitioner/original applicant and to pass an appropriate order in the matter in accordance with law. All points kept open.

7. Rule is accordingly made absolute in above terms. Writ Petition is disposed of. No costs.

(V.K. JADHAV, J.)

aaa/-

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