

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2760 OF 2016

Moti S/o. Laxman @ Govind Pawar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri C. C. Nawandar, Advocate for the Petitioner.
Shri B. A. Shinde, A. G. P. for Respondents.

CORAM : S. V. GANGAPURWALA, J.
DATE : 18TH APRIL, 2016.

PER COURT :-

1. Mr. Nawandar, the learned counsel for the petitioner submits that, the appeal filed by the petitioner was disposed of even without issuing notice to the petitioner on the ground that it is not tenable. If, notice would have been issued to the petitioner, the petitioner could have pointed out his case.
2. Issue notice to respondents. Learned A. G. P. waives notice for all respondents.
3. I have heard the learned counsel for the petitioner as well as the learned A. G. P.
4. It appears that the appeal filed by the petitioner was not entertained by Deputy Director of Land Records and has disposed it of even without issuing notice to the petitioner, such an approach certainly was erroneous. Even if, the Deputy Director of Land Records was of the opinion that the appeal could not have

been entertained he ought to have issued notice to the party presenting the appeal and should have heard the said party and then pass the order. The impugned order is in flagrant violation of the principles of natural justice so also the procedure in deciding the appeal.

5. In light of the above, the impugned order is quashed and set aside. The parties are relegated before the Deputy Director of Land Records, Aurangabad. The petitioner shall appear before the Deputy Director of Land Records, Aurangabad on 05th May, 2016. The Deputy Director of Land Records, Aurangabad shall after hearing the petitioner pass the orders. In case, the right of some private persons are affected naturally Deputy Director of Land Records, Aurangabad will also have to hear the said private parties.

6. The Writ Petition is disposed of. No costs.

[S. V. GANGAPURWALA, J.]

sam/April.16