

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD  
WRIT PETITION NO.765 OF 2016

Shree Satyasai Builders and  
Developers, through its  
Proprietor,  
Vinod Shaligram Patil,  
age: 40 years, Occ: Business,  
R/o Sauda, Taluka Raver,  
District Jalgaon.

Petitioner

Versus

01 The State of Maharashtra,  
through its Secretary,  
Revenue & Forest Department,  
Mantralaya, Mumbai-32.

02 The District Collector, Jalgaon,  
District Jalgaon.

03 The Additional Collector,  
Jalgaon, Taluka Jalgaon,  
District Jalgaon.

04 The Sub Divisional Officer,  
Jalgaon, Taluka Jalgaon,  
District Jalgaon.

05 The Tahsildar, Jalgaon,  
Taluka Jalgaon, District Jalgaon.

Respondents

Mr.P.M.Shah, Senior Counsel with Mr.S.S.Rathi i/by Mr.Girish S. Rane,  
advocate for the petitioner.  
Mr.S.S.Dande, A.G.P. for Respondents.

**CORAM : R.M.BORDE &  
A.I.S.CHEEMA, JJ.  
DATE : 21st January, 2016**

**ORAL JUDGMENT (Per R.M.Borde, J.):**

1 Heard. Rule. Rule made returnable forthwith and heard

finally by consent of learned Counsel for respective parties.

2           An application tendered by the petitioner, claiming refund of security deposit, has been turned down by the Collector by an order dated 23.11.2015.

3           It is the contention of the petitioner that while considering the application tendered by petitioner, he has not been extended an opportunity of hearing and principles of natural justice have not been adhered to. The Collector has placed reliance on the report of Sub Divisional Officer, copy of which was not made available to the petitioner and on consideration of the said report, request made by the petitioner has been turned down.

4           Since it has not been controverted that the order impugned has been passed without observing principles of natural justice, we deem it appropriate, in the peculiar facts and circumstances of this case, to direct the Collector to reconsider the application tendered by petitioner, after extending an opportunity of hearing to him.

5           In the result, order dated 23.11.2015, passed by the Collector, is quashed and set aside and the Collector is directed to decide the application afresh after extending an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of three months from today.

6           Rule is made absolute to the extent specified above. There shall be no order as to costs.

**A.I.S.CHEEMA**  
**JUDGE**

adb/wp76516

**R.M.BORDE**  
**JUDGE**