

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1425 OF 2014

Vicky Prakash Kukreja

...Petitioner

vs.

Sub-divisional Officer, Ulhasnagar
and Others

...Respondents

Mr. Nitesh Zimur i/b. Mr. J.S. Chandnani, for the Petitioner
Mr. B.P. Kakade, AGP for the Respondent-State.

CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.

DATE : **AUGUST 22, 2016**

PC.:

. Parties through their counsel.

2. Through this Petition filed under Article 226 of the Constitution of India, the Petitioner has challenged the order passed by the Tahsildar, Ambarnath (Exhibit B) whereby the application filed under Section 74 read with 70(a) of the Bombay Tenancy Agriculture and Lands Act, 1948 has been rejected.

3. Having gone through the impugned order dated 26th August, 2013 (Exhibit B) passed by the Tahsildar, Ambarnath we find

that the said order is non speaking order. We also find that no opportunity of hearing was given to the Petitioner. In the circumstances, we set aside the order 26th August, 2013 (Exhibit B) and remand the matter back to the Tahsildar, Ambarnath for deciding the Petitioner's claim afresh. The Petitioner may submit the additional documents before the Tahsildar.

4. The Petitioner is directed to appear before the Tahsildar, Ambarnath on 21st September, 2016.

5. The Tahsildar, Ambarnath to decide the Petitioner's case afresh after giving the opportunity of hearing and pass a speaking order.

6. The impugned order is set aside.

7. The Petition stands disposed of.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)