

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12277 OF 2015

Eknath Krushna Bagal (Since Deceased)	]	
Through his heirs and legal representatives	]	
and Anr.	]	... Petitioners

Versus

Deputy Director, Land Records and	]	
Resettlement Commissioner (Land Surveyor),	]	
Pune Division, and Ors.	]	... Respondents

Mr. Dilip Bodake for Petitioners.

Mrs. Vaishali Nimbalkar, AGP, for Respondent Nos.1 and 2.

Mr. Pradeep J. Thorat a/w Mrs. Pratibha Shelke for Respondent No.3A.

CORAM :- M. S. SONAK, J.

DATE :- FEBRUARY 22, 2016

P. C. :-

1. The learned Counsel for petitioners seeks leave to delete legal representative of respondent nos.4, 5, 6, 7 and 8 as respondents in the present petition, since their presence is not necessary. Accordingly, leave is granted. Necessary amendment to be carried out forthwith.

2. **Rule.**

3. With the consent of and at the request of learned Counsel for parties, Rule is made returnable forthwith.

4. The challenge in this petition is to the order dated 02/06/2014 made by the Deputy Director of Land Records, Pune, purporting to dispose of the petitioners' Revision Petition No.2653 of 2013.

5. The record indicates that on 22/01/2014, the learned Counsel for petitioners argued the matter for ad-interim relief. Upon hearing the learned Counsel for petitioners, the Deputy Director of Land Records made '*status-quo*' order, as on the said date, the respondents in the revision petition had not been noticed. Thereafter, there is no record of any further hearing in the matter. The Deputy Director of Land Records, however, has made the impugned order dated 02/06/2014 in which it is recorded that the learned Counsel for petitioners was given a hearing on 22/01/2014 and further that even the respondents were offered hearing on same date thereafter. This date is not specified in the impugned order dated 02/06/2014. Ultimately, the petitioners' revision petition has been dismissed, including, *inter alia*, on the ground of maintainability.

6. At this stage, it is not necessary to advert to the merits of the order dated 02/06/2014. The decision in the impugned order, at least at this stage, is not really relevant. What is relevant is the decision making process. On the basis of hearing afforded to the

learned Counsel for petitioners on 22/01/2014, the Deputy Director of Land Records was not justified in making the impugned order after the lapse of almost six months. That apart, even the respondents were required to be heard in the presence of the petitioners or the learned Counsel for petitioners. There cannot be such piecemeal hearing of the matter. For these reasons, the decision making process is clearly vitiated and the impugned order is required to be set aside. The same is accordingly set aside.

7. The revision petition instituted by the petitioner is restored to the file of the Deputy Director of Land Records, Pune, who is directed to hear all the parties or their respective Counsel and dispose of the revision petition on its own merits and in accordance with law as expeditiously as possible and in any case, within a period of three months from the date of production of authenticated copy of this order.

8. It is made clear that this Court has not adverted to the merits of the matter and therefore, all contentions of all parties, including the contention of the respondents as to the very maintainability of the revision petition, are kept open.

9. The parties to co-operate in the matter of expeditious disposal of the revision petition. In particular, the petitioners should not delay either service or further prosecution of the revision petition for any unjustifiable reason.

10. Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

11. Parties to appear before the Deputy Director of Land Records, Pune, on 01/03/2016 at 3.00 p.m. and produce authenticated copy of this order.

(M. S. SONAK, J.)