

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1946 OF 2016

Subhash Manohar Swase

Petitioner

Versus

Maroti S/o Digambar Swase & another

Respondents

Mr.A.V. Pail Indrale advocate for the petitioner

Mr.S. K. Tambe, AGP for Respondent No.2

Mr. M.D. Shinde advocate for respondent No.1

CORAM : **RAVINDRA V. GHUGE, J**

(Date : 17th July, 2017.)

PER COURT :-

1 The petitioner is aggrieved by the order dated 21.9.2015 passed by respondent No.2, the Deputy Director of Land Records, Aurangabad.

2 I have heard the strenuous submissions of the learned Advocates for the respective sides.

3 Shri Shinde, learned advocate appearing for respondent No.1, as well as the learned AGP, strenuously defend the impugned order and pray that this petition be dismissed with costs.

4 Upon considering the submissions of the learned Advocates and on going through the petition paper book with their assistance, it appears that petitioner was never heard while

passing the impugned order.

5 Learned counsel for the petitioner relies upon an order passed by this Court on 4.7.2017 in Writ Petition No. 10206/2016 in between **Balaji Bhujang Chavan & another versus The Deputy Director Land Records & others**, wherein, a similar aspect of '*no hearing*' was considered.

6 Considering the above, I do not find that, any different view can be taken in this matter. Consequentially, I deem it proper to pass the order that was also passed on 4.7.2017 in identical set of facts.

7 In the light of the above, this petition is partly allowed. The impugned order dated 21.9.2015 is quashed and set aside and Appeal SR No.1005/2015 is remitted to the office of respondent No.1. The petitioner shall appear before respondent No.1 on 9.8.2017 at 3.00 p.m. Respondent No.2 shall then issue notices to the respondents in the said appeal, as per the request of Shri Shinde and after hearing all the litigating sides by giving them a reasonable opportunity and also by considering the rights of such private persons who are likely to be affected, would pass a reasoned order deciding the said appeal.

(RAVINDRA V. GHUGE , J)