

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7283 OF 2016

Bhagwat Tukaram Bachpalley

..PETITIONER

VERSUS

The Deputy Director,
Land Records, Aurangabad and Others

..RESPONDENTS

....

Mr. A.A. Khande, Advocate for petitioner.

Mr. S.P. Deshmukh, A.G.P. for Respondent Nos. 1 and 2.

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**CORAM : RAVINDRA V. GHUGE, J.
DATED : 21st JULY, 2017**

ORDER :

1. Though this Court issued notice to the Respondent Nos. 3 and 4 on 18th July, 2016, the notice is returned for want of time. Learned A.G.P. appears for the Respondent Nos. 1 and 2.

2. The petitioner has challenged the order dated 14th March, 2014 which is said to be served on the petitioner in 2016. The Respondent No.1 had disposed of the appeal of the petitioner bearing SR No. 782/ 2012 without even issuing notices to any of the parties. The appeal was disposed of without hearing and in the complete absence of all the parties.

3. Though the A.G.P. strenuously supports the impugned order and prays for the dismissal of this petition, he is unable to point out that the litigating sides were issued with notice before Respondent No.1 passed the impugned order.

4. In similar circumstances, this Court by order dated 18th April, 2016 in Writ Petition No. 2760 of 2016 and order dated 04th July, 2017 in Writ Petition No. 10206 of 2016 has disposed of the petitions by setting aside the impugned order and has remitted the matter for rehearing before Respondent No.1 and on the condition that all the parties will be issued with notices.

5. Considering the above, as Respondent Nos. 3 and 4 were never served before Respondent No.1 and have also not been served in this matter, no purpose will be achieved in keeping this petition pending when the petitioner makes an innocuous prayer of an opportunity of hearing which is essential and necessary.

6. In the light of the above, this petition is partly allowed. The impugned order dated 14/03/2014 is quashed and set aside and Appeal SR No.782/2012 is remitted to the office of Respondent No.1. The petitioner shall appear before Respondent No.1 on 03rd August, 2017 at 3.00 p.m. Respondent

No.1 shall then issue notices to all the respondents in the said appeal 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.)

SSD