

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10206 OF 2016
(Balaji Bhujang Chavan and another Vs. The Dy. Director Land
Record and others)

Mr.Manoj D.Shinde, Advocate for the petitioners.
Mr.N.T.Bhagat, AGP for the respondent/State.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 04/07/2017

PER COURT :

1. The petitioners are aggrieved by the impugned order dated 07/04/2016 passed by respondent No.1, without even issuing notices to the petitioners and respondent Nos. 2A, 2B, 3 and 4. The petitioners had preferred Appeal SR No.1060/2016. Respondent Nos. 2 to 4 were parties to the appeal. Without issuing notices, the appeal has been disposed of.

2. Though the learned AGP supports the impugned order, he does not dispute that notices were not issued to the parties and they were not heard.

3. Considering the above, I do not deem it necessary to issue notices to respondent Nos. 2 to 4 in this petition as they were also

unaware of the pending appeal and its disposal as no notices were issued to them.

4. In similar circumstances, this Court (Coram : S.V. Gangapurwala, J.) has passed a similar order dated 18/04/2016 in WP No.2760/2016 in the matter of Moti Laxman @ Govind Pawar Vs. The State of Maharashtra and others. The observations of this Court in paragraph Nos. 4, 5 and 6 are reproduced hereunder :-

“4. It appears that the appeal filed by the petitioner was not entertained by Deputy Director of Land Records and has disposed it of even without issuing notice to the petitioner, such an approach certainly was erroneous. Even if, the Deputy Director of Land Records was of the opinion that the appeal could not have been entertained he ought to have issued notice to the party presenting the appeal and should have heard the said party and then pass the order. The impugned order is in flagrant violation of the principles of natural justice so also the procedure in deciding the appeal.

5. In light of the above, the impugned order is quashed and set aside. The parties are relegated before the Deputy Director of Land Records, Aurangabad. The petitioner shall appear before the Deputy Director of Land Records, Aurangabad on 05th May , 2016. The Deputy Director of Land Records, Aurangabad shall after hearing the petitioner pass the orders. In case, the right of some private persons are affected naturally Deputy Director of Land Records, Aurangabad will also have to hear the said

private parties.

6. The writ petition is disposed of. No costs.”

5. In the light of the above, this petition is partly allowed. The impugned order dated 07/04/2016 is quashed and set aside and Appeal SR No.1060/2016 is remitted to the office of respondent No.1. The petitioner shall appear before respondent No.1 on 03/08/2017 at 3.00 p.m. Respondent No.1 shall then issue notices to 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.)