

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

**WRIT PETITION NO. 10997 OF 2016**

Vanita w/o. Pravin Gaikwad .. Petitioner

Versus

Union of India & Ors. .. Respondents

Mr.V.D. Salunke, Advocate for the petitioner.

Ms.R.P. Gour, AGP for respondent/State.

Ms.Anjali Dube (Bajpai), Advocate for R-2 & 3.

Mr.Prashant K. Deshmukh, Advocate for R-4.

**CORAM : S.V.GANGAPURWALA &  
S.M.GAVHANE, JJ.**

**DATED : 08.12.2017**

**P.C. :-**

1. Present writ petition initially was filed seeking direction against the respondents to decide the complaint dated 28.06.2016 by giving hearing to the petitioner. During the pendency of the present petition, complaint filed by the petitioner is decided and the complaint is rejected under order dated 16.08.2017.

2. Mr.Salunke, learned advocate for the petitioner states that the petitioner was issued notice by the Grievance Redressal Committee, after the petitioner had lodged the complaint. Pursuant to the said notice, the petitioner had submitted various documents along with his stand. However, without calling the petitioner for hearing, the complaint is dismissed. According to the learned advocate in a suit bearing RCS No.766 of 2012, the respondent had filed written statement thereby contending that he is owner of only 22 R and not 24 R. There is no document with regard to 2 R land. According to the learned advocate, even guidelines issued by the Grievance Redressal Mechanism states that personal hearing is required to be given to the aggrieved party. The respondent was not eligible.

3. Smt. Dube, learned advocate for the Corporation submits that the guidelines existing as on the date applicable to the present matter did not contemplate

giving hearing to the aggrieved party. Clause 17 of the same is explicitly clear. All the facets of the objections raised by the petitioner were considered by the Grievance Redressal Committee. No illegality is committed by the Grievance Committee.

4. Mr.Deshmukh, learned advocate for the respondent submits that respondent No.4 is owner and possessor of 24 R land in Survey No.4B. The clarification is given in the said written statement and the written statement is being misread by the petitioner. Respondent No.4 has been validly selected and there is no cloud over the title of the respondent No.4 over the area 24R in Survey No.4B. The suit bearing RCS No.766 is dismissed in default and does not survive.

5. According to Mr. Salunke, learned advocate said suit is restored back to its original stage by the order of the Court dated 07.10.2017.

6. We have considered the submissions and guidelines issued by the Grievance Redressal Mechanism of the respondent Corporation more particularly guideline No.7.3, which states that the Grievance Redressal Cell and Executive Committee is entitled to give a personal hearing to the aggrieved party, if necessary. The guidelines which were operating in the year 2014 did not specifically prescribe for personal hearing.

7. Considering the fact that the dispute is with regard to the title of respondent No.4 for an area of 24 R land and about the pendency of the suit, it would have been proper if the petitioner would have been given hearing to explain the intricacies involved in the suit and the pleadings filed therein. Even otherwise in view of the present guidelines issued by the Grievance Redressal Mechanism of the respondent Corporation, personal hearing is contemplated.

8. In the light of the above, the impugned order dated 16.08.2017 rejecting the complaint of the

petitioner is quashed and set aside and the parties are relegated to the Grievance Redressal Committee. The petitioner shall appear before the Grievance Redressal Committee on 18.12.2017. The Committee shall hear the petitioner and decide the complaint afresh preferably within 15 days thereafter.

9. With the above observations and directions, the writ petition is disposed of. No costs.

**[ S.M.GAVHANE, J. ]**

**[ S.V.GANGAPURWALA, J. ]**