

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12201 OF 2016

MINAKSHI UTTAMRAO RATHOD AND OTHERS
VERSUS
STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioners : Shri D.A. Bide.
AGP for Respondent Nos. 1 to 3 : Shri N.T. Bhagat.
Advocate for Respondent Nos. 4 to 18 : Shri R.S. Kasar.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 21th June, 2017

PER COURT :-

1. This matter was heard at length on 20/06/2017. Considering the rival contentions of the parties and since it appeared that the petitioners did not remain present before respondent No. 2 in the proceedings which resulted in the ex-parte impugned order dated 29/09/2016, that I expressed my view of remanding the matter for a hearing before respondent No. 2, subject to the payment of costs.

2. Learned counsel for the petitioner submits, on instructions, that since they are fifteen respondents, the

petitioners are willing to deposit costs of Rs. 15,000/- (One thousand per respondent) before respondent No. 2 / authority. Learned counsel for the respondents submits on instructions that a time frame may be imposed on respondent No. 2 and conditions be imposed on the petitioners, so as to avoid any further delay in the matter since the issue is about the petitioners having allegedly created obstructions in the right of way.

3. In the light of the above, since the impugned order dated 29/09/2016, has been passed without hearing the petitioners, this petition is allowed. The impugned order dated 29/09/2016, is quashed and set aside and Revision Application No. 184/2015 is restored to the file of respondent No. 2.

4. All the litigating sides agree to appear before respondent No. 2 on 11/07/2017 at 3.00 p.m., and abide by the further dates of hearing, as may be granted by the said authority. The petitioners shall deposit a total amount of Rs. 15,000/- on 11/07/2017, before respondent No. 2 and the fifteen

respondents in this petition i.e. Respondent Nos. 4 to 18 shall withdraw the said amount in equal shares, without conditions.

5. It is made clear that if the petitioners remain absent on the date of hearing and if orders are passed by the authority on the said date, they shall have no right to raise the grievance on the ground of lack of opportunity of hearing. The litigating sides are permitted to enter the written notes of submissions, if so advised. Respondent No. 2 shall decide Revision Application No. 184/2015, within a period of three months from 11/07/2017.

(RAVINDRA V. GHUGE, J.)

S.P.C.