

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 10272 OF 2016

Mr. Manojar Laxman Jadhav
And Ors

...Petitioners

Versus

State Of Maharashtra
And Ors

...Respondents

....

Mr.Arun Panickar, Advocate for the Petitioners.
Ms. Vaishali Nimbalkar, A.G.P. for Respondents-1 to 4-State.
Mr. Suraj Gaikwad i/b. I.A. Patel, for respondents No.5 to 8.

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CORAM : R. G. KETKAR, J.

DATE : 27th APRIL, 2017

P.C.

1. Heard Mr.Arun Panickar, learned counsel for the petitioners, Ms.Vaishali Nimbalkar, learned A.G.P. for respondents No.1 to 4-State and Mr.Suraj Gaikwad, learned Counsel for respondents No.5 to 8.

2. By order dated 30.3.2016, notice for final disposal was issued to the respondents as the principal ground contention raised by the petitioners is that the petitioners were not heard by the Appellate Authority while passing the impugned order. Office remark shows that respondents No.9 and 10 are duly

served as per the bailiff report. However, none appears on their behalf. In view of order dated 30.3.2016, Rule. Learned Counsel for the respective respondents waive service. Rule is made returnable forthwith and the Petition is taken up for final hearing.

3. Mr. Panickar submitted that no notice was issued to the petitioner about hearing of the matter before the Hon'ble Minister. The petitioners were not heard by the Hon'ble Minister before passing impugned order on 4.11.2015.

4. Ms. Nimbalkar has produced record for perusal of the Court. After perusing the record, it is evident that the petitioners were not heard before passing the impugned order. By the impugned order the order passed by the Additional Commissioner, Konkan Division, Mumbai is set aside and the Mutation Entry No.1662 was cancelled without hearing the petitioners. The petitioners are adversely affected by the impugned order and, therefore, the impugned order cannot be sustained. Hence the petition is disposed of in following terms:

- (i) Impugned order is set aside. Revision Application filed by Smt. Sitabai Jadhav and five others stands restored

to the file of Hon'ble Minister for State, Revenue. The Hon'ble Minister will decide the proceedings in accordance with law after giving notice to all the concerned parties.

- (ii) Rule is made absolute in aforesaid terms with no order as to costs. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)