

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

WRIT PETITION NO. 10994 OF 2015

HARISCHANDRA BANSILAL CHANDAK
VERSUS
SECRETARY, REVENUE AND FOREST DEPARTMENT AND OTHERS

...
Advocate for the Petitioners : Shri Dhongade Suresh D..
AGP for Respondent 1 : Shri S.R.Yadav.
Advocate for Respondents 2 and 3 : Shri Lakhotiya Pawan K..
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 13th July, 2018

Per Court:

1 The Petitioner is aggrieved by the order dated 24.04.2015 passed by the Secretary-cum- Special Executive Officer (Appeals), Revenue and Forest Department.

2 I have considered the submissions of the learned Advocates for the respective sides and the learned AGP.

3 There is no dispute that despite service of notice by the competent authority in the appeal preferred by Respondent Nos.2 and 3, the Petitioner, who is said to be 80 years of age and residing in Pune, had not appeared in the matter. The record, however, reveals that though the original Appellants were directed to supply the copy of their appeal to the

Petitioner, the same had not been supplied.

4 Considering the peculiar factors recorded as above and looking at the advanced age of the Petitioner, who is litigating for a piece of agricultural land, I deem it appropriate to set aside the impugned order purely on the ground of non observance of the principles of natural justice since the Petitioner was never supplied with the copy of the appeal despite the direction of the Competent Authority dated 20.09.2014.

5 The learned Advocate for Respondent Nos.2 and 3/ original Appellants submits that the copy of the appeal would be supplied to the Petitioner herein through Advocate Shri Dhongade within two weeks from today and an acknowledgment will be taken from the learned Advocate.

6 Considering the above, this Writ Petition is partly allowed. The impugned order dated 24.04.2015 is set aside and the appeal No.2012/*pra.kra.68/j-7(A)/pra.kra. 837(08)/ 2014/ avapu* is restored to the file of the competent authority.

7 All the litigating sides agree to appear before the Competent Authority in the said Appeal, on 20.08.2018. Formal notices need not be issued.

8 The Petitioner is at liberty to file his written statement/ written submissions on the date of appearance, subject to the original Appellants supplying the copy of the appeal to Shri Dhongade on or before 27.07.2018.

9 Needless to state, the Competent Authority shall decide the said appeal afresh on it's own merits after considering the submissions of the litigating sides.

kps

(RAVINDRA V. GHUGE, J.)