

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10563 OF 2018

VIJAY NIMBAJI CHAUDHARY AND ANOTHER
VERSUS
VASANT NARAYAN CHAUDHARY AND OTHERS

Advocate for Petitioner : Mr. U.S. Malte.
AGP for Respondent Nos. 2 & 3 : Mr. S.R. Yadav.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 19th September, 2018.

PER COURT :

1. The petitioners are aggrieved by the notice of hearing issued on 02/07/2018, issued by the Sub-Divisional Officer, Erandol / respondent No. 3 herein, thereby calling upon the petitioners to appear before the said authority in a Suo-Moto Review under Section 258 of the MLR Code.

2. The petitioner contends that the issue involved in RTS Review No. 37/2018 has already been subjected to litigation at multiple levels under the MLR Code. Matter pertains to mutation entries. The petitioner has approached this Court in Writ Petition No. 12292/2017 and notice has been issued by this Court.

3. It is, therefore, contended that respondent No. 3 should not have initiated a review proceeding under Section 258.

4. The learned AGP submits that the impugned notice dated 02/07/2018, is primarily for calling upon the petitioners to appear in the proceedings and present their case and contentions. If the said authority is convinced after hearing the parties that a review is not to be initiated, the said authority may decide appropriately.

5. In my view, since a notice of hearing has been issued by respondent No. 3, it would be appropriate for the petitioners to appear before the said authority on the next date of hearing and submit their written say by raising all contentions. Respondent No. 3 is expected to consider the said say and contentions of all the litigating sides and thereafter decide whether any pending proceeding would bar the hearing under Section 258 of the MLR code.

6. In view of the above, this petition is disposed of. Needless to state respondent No. 3 shall consider all the contentions of the litigating sides and deal with the same on their own merits. Respondent No. 3 shall keep in view the provision under clause 3

of Section 258 (1) of the MLR Code in view of the submissions of the petitioners.

(RAVINDRA V. GHUGE, J.)

S.P.C.