

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

WRIT PETITION NO. 9695 OF 2016

RANGNATH NARAYAN JADHAV

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for petitioner: Mr. H.V. Tungar
AGP for Respondent/State: Mr. P.K. Lakhotiya

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CORAM: S.S. SHINDE & S. M. GAVHANE, JJ.

Dated: February 02, 2018

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At the outset learned counsel appearing for the petitioner, on instructions, submits that, time being he is not pressing the relief claimed in terms of prayer clause B-1.

2. We have carefully perused the prayer clause "B" in the Petition. There is innocuous prayer in the Petition, in as much as the directions are sought to Respondent No.2 to decide the representation/application filed by the

petitioner on 2nd June, 2010 praying therein for regularizing the encroachment over the land survey no.133 admeasuring 1 H 60 R situated at Mouje Satana, Tq. Aurangabad.

3. We direct Respondent No.2 to decide the said application/representation, if already not decided, in accordance with law and keeping in view the provisions of the Maharashtra Land Revenue Code so also the provisions of other Act, if relevant for deciding the application of the petitioner, and take the appropriate decision on the said application/representation, as expeditiously as possible, and preferably within 12 weeks from today.

4. Needless to observe that before taking such decision Respondent No.2 shall adhere to the principles of natural justice and if there are other affected persons, he shall afford the opportunity of hearing to them and allow them to putforth their contentions, and also to file the written statement, if any.

5. We make it clear that, we have not expressed any opinion on merits of the

contentions raised in the Petition and/or in the said representation, and it is for Respondent No.2 to decide the said representation on its own merits.

6. With the above observations, the Writ Petition stands disposed of.

7. The parties shall act upon authenticated copy of this order.

(S. M. GAVHANE, J)

(S.S. SHINDE, J)

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