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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7752 OF 2014

Chandrakant Ganpati Patil .Petitioner

Vs.

Shrikrishna Vidyadhar Patkar through Power of Attorney Holder, Mr. Manmohan Anant Waradkar & ors. .Respondents

Mr. M. Parab i/b. Milind Parab & Associates, Advocate, for the Petitioner
Mr. S. M. Sabrad with Mr. V. N. Walawalkar, Advocate, for the Respondent No. 1
Mr. A. B. Kadam, AGP, for the Respondent Nos. 2 to 5 – State
Mr. S. S. Pawar, Asstt. Desk Officer, Mantralaya, Mumbai present

CORAM : REVATI MOHITE DERE, J.

DATE : 09.10.2018

P.C.

. Heard learned counsel for the parties.

2. Rule. Rule is made, returnable forthwith with the consent of the parties and is taken up for final disposal at the stage of admission.

3. By this Petition, the Petitioner has impugned the order

dated 03.07.2014 passed by the Hon'ble Minister for Revenue, Mantralaya, Mumbai, Maharashtra State, in Revision Application No. Nabhuma 2913(A)/Pra. Kra. 27/J-4(A), by which the Hon'ble Minister was pleased to set aside the Order dated 16.08.2013 passed by the Deputy Director of Land Records, Konkan Region, Mumbai in Appeal No. 391 of 2013 and as such, was pleased to confirm the order dated 18.12.2012 passed by the District Superintendent of Land Records, Sindhudurg.

4. Learned counsel for the Petitioner submits that no notice was served on the Petitioner, as a result of which the Petitioner could not appear before the Hon'ble Minister. He submitted that the Hon'ble Minister for Revenue had decided the matter ex-parte, without hearing the Petitioner.

5. In view of the aforesaid submission, the learned AGP was directed to take instructions as to whether any notice was issued to the Petitioner and whether the Petitioner had appeared before the Hon'ble Minister and was heard. Learned AGP fairly states that the first notice was issued to the Petitioner on

10.02.2014 making the same returnable on 18.02.2014. He states that the said notice was received by the Petitioner i. e. the Respondent in the proceeding before the Hon'ble Minister on that very day i. e. on 18.02.2014 itself. He submits that thereafter, the Respondent was heard on 04.03.2014 and on 05.05.2014, the matter was closed for orders. He states that no further notice was issued to the Respondent i. e. Petitioner, after the first notice. Learned AGP makes the said statement on the instructions of Mr. S. S. Pawar, Asstt. Desk Officer, Mantralaya, who is present in Court and after perusing the records which have been brought today in this Court.

6. Learned counsel for the Respondent No. 1 opposes the Petition.

7. Perused the papers. It appears that the Respondent No. 1 had filed a Revision Application before the Hon'ble Minister for Revenue, against the order dated 16.08.2013 passed by the Deputy Director of Land Records, Konkan Region, Mumbai in Appeal No. 391 of 21013. It appears that the Hon'ble Minister was

pleased to issue notice to the Respondents therein i. e. the Petitioner on 10.02.2014 making it returnable on 18.02.2014. It appears that the said notice was received by the Petitioner on 18.02.2014 and as such, the Petitioner could not appear before the Hon'ble Minister. It is a matter of record that no further notice was, thereafter, issued by the Hon'ble Minister and hence, on 04.03.2014 and 05.05.2014, none appeared for the Petitioner. The Hon'ble Minister heard the Respondent No. 1 and closed the matter for orders on 05.05.2014 and passed the impugned order dated 03.07.2014. It, thus evident that the Petitioner i. e. the Respondent in Revision Application did not get any opportunity to appear before the Hon'ble Minister, as he was not served with any notice of the subsequent dates. Thus, the matter proceeded and the impugned order dated 03.07.2014 was passed, after hearing only the Respondent No. 1.

8. The Petitioner ought to have been served with the notice of hearing of the Revision Application before the Hon'ble Minister. Thus, there is a breach of the principles of natural justice. Having regard to the same, the impugned order dated

03.07.2014 passed by the Hon'ble Minister in Revision Application No. Nabhuma 2913(A)/Pra. Kra. 27/J-4(A) is quashed and set aside and the matter is remitted back to the Hon'ble Minister for Revenue, for fresh consideration. The Revision is restored back to its original file. The Petitioner as well as the Respondent No. 1 to appear before the Hon'ble Minister on <u>22.10.2018 at 3.00 p.m.,</u> after which the Hon'ble Minister for Revenue will give dates convenient to him. No separate / fresh notice is now required to be issued either to the Petitioner or to the Respondent No. 1. Both, learned counsel for the Petitioner and the learned counsel for the Respondent No. 1 state and also agree that no fresh notice is required to be issued and state that the parties will appear before the Hon'ble Minister for Revenue on the date/s given by the Hon'ble Minister. Since the Revision is of the year 2014, the proceedings before the Hon'ble Minister for Revenue are expedited. The Hon'ble Minister for Revenue is requested to dispose of the said Revision Application filed by the Respondent No. 1, after hearing the parties, as expeditiously as possible and <u>in any event by 28.02.2019</u>. All contentions of both the parties are kept open. The impugned order dated 26.08.2014 passed by this

Court directing the parties to maintain status-quo to continue till the Revision Application is finally disposed off by the Hon'ble Minister for Revenue. Rule is made absolute in the aforesaid terms.

9. The Petition is disposed off in the aforesaid terms.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)