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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1743 OF 2018

Damodar K. Dhakne

...Petitioner

V/s.

Ramnath B. Dhakne & Ors.

...Respondents

Mr.Gauran Zaveri I/b Mr.Amey Deshpande for the Petitioner.

Mr.S.H. Kankal, A.G.P. for the State – Respondent Nos.14 and 15.

CORAM : R.D. DHANUKA, J.

DATE : 14TH AUGUST, 2018.

P.C. :-

1.

The petitioner has impugned the order dated 12th January, 2017 passed by the learned Additional Collector in Revision Application No.220 of 2015 and the order dated 5th November, 2014 passed by the Sub-Divisional Officer, Dindori. By an order dated 12th January, 2017, learned Additional Collector had remanded the matter back before the learned Sub-Divisional Officer.

2. Mr.Kankal, learned A.G.P. for the respondent nos.14 and 15 states that the respondent nos.14 and 15 have no objection if the matter is heard by the learned Sub-Divisional Officer upon remand

pursuant to the order passed by the Additional Collector, Nashik and an opportunity is rendered to the petitioner. The statement is accepted.

3. The impugned order passed by the learned Sub-Divisional Officer dated 5th November, 2014 is accordingly set aside. The proceedings before the learned Sub-Divisional Officer are restored to file. Learned Sub-Divisional Officer shall decide the matter afresh after rendering an opportunity of being heard to the petitioner and after complying with the principles of natural justice and shall pass an order without being influenced by the observations made in the impugned order dated 5th November, 2014 and also the order dated 12th January, 2017 passed by learned Additional Collector in Revision Application No.220 of 2015 expeditiously.

4. The petitioner shall not seek any unnecessary adjournment before the learned Sub-Divisional Officer. The petitioner is directed to appear before the learned Sub-Divisional Officer on 28th August, 2018 at 3:00 p.m.

5. The parties as well as the learned Sub-Divisional Officer,

Dindori to act on the authenticated copy of this order.

6. The writ petition is disposed of in aforesaid terms. There shall be no order as to costs.

(R.D. DHANUKA, J.)