

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5056 OF 2016
WITH
CIVIL APPLICATION NO.2629 OF 2016

Shrishail Parvati Grihanirman Sahakari Sanstha ...Petitioner

vs.

The State of Maharashtra and Others

...Respondents

Mr. R.P. Sabban, for the Petitioner

Mr. C.P. Yadav, AGP for the Respondent-State.

Mr. Samir Kumbhakoni, for the Applicant in Civil Application.

**CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.**

DATE : APRIL 10, 2018

P.C.:

. Parties through their counsel.

2. Rule.

3. With consent of the parties, heard finally and disposed of at the stage of admission itself.

4. Challenging the order dated 29th February, 2016 (Exhibit "J") passed by the Additional Collector, Solapur whereby the Petitioner's land has been resumed back to the Government, the Petitioner has filed this Petition. According to the Petitioner before passing the impugned order, no notice or opportunity of hearing was given to the Petitioner and impugned order has been

passed behind his back.

5. The Respondent-State has filed reply. On going through the said reply as also the impugned order, it is clear that the Petitioner has not been given notice or opportunity of hearing before passing the impugned order of resumption of land.

6. In the circumstances, we are of the view that the impugned order is in violation of the principles of natural justice, the same cannot be sustained. As a result, we set aside the impugned order dated 29th February, 2016 (Exhibit "J"). However, with liberty to the Additional Collector, Solapur to pass a fresh order in accordance with law after giving notice and due opportunity of hearing to the Petitioner as also to the complainant Mr. Rajshekhar Siddhling Vairagkar.

7. The parties to appear before the Additional Collector, Solapur on 27th April, 2018 at 3.00 pm with the copy of this order.

8. The Additional Collector, Solapur to take appropriate steps in accordance with law, as expeditiously as possible.

9. All contentions of the parties are kept open.

10. With the aforesaid liberty, the Petition is disposed of.

11. In view of above, Civil Application stands disposed of.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)