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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.17399 OF 2018

Ram @ Ramchandra Valhekar	...Petitioner
V/s.	
The District Collector, Pune & Ors.	...Respondents

Mr.Chetan Nagare for the Petitioner.

Mr.S.H. Kankal, A.G.P. for the State – Respondent.

Mr.Ajay Joshi for the Respondent Nos.4 to 11.

CORAM : R.D. DHANUKA, J.

DATE : 28TH JUNE, 2018.

P.C. :-

1. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 12th June, 2018 passed by the learned District Collector, Pune in Dispute Application No.24 of 2018.

2. It is submitted by the learned counsel for the petitioner that the petitioner had made an application for adjournment on the ground that his advocate was not available on the date of hearing. Learned Collector however, closed the case and pronounced the order directly. He undertakes to remain present before the learned Collector as and when the next date is fixed by the learned Collector for hearing and will not seek any unnecessary adjournment. The undertaking

rendered by the learned counsel for the petitioner is accepted. Learned counsel for the petitioner states that he will not file any further pleading or written arguments before the learned Collector. The statement is accepted.

3. In my view since the impugned order passed by the learned Collector is in violation of the principles of natural justice, the impugned order is quashed and set aside. The Dispute Application No.24 of 2018 filed by the petitioner is restored to file before the learned Collector, Pune for deciding the matter afresh after complying with the principles of natural justice.

4. Both the parties are directed to remain present before the learned Collector, Pune on 4th July, 2018 at 11:00 a.m. without fail. If the petitioner remains absent before the learned Collector on the date fixed by this Court, the learned Collector shall proceed with the matter *ex-parte* in absence of the petitioner. Learned Collector shall decide the matter in accordance with law and without being influenced by the observations made and the conclusion drawn in the impugned order expeditiously and not later than eight weeks from the date of the first meeting.

5. The parties as well as the authorities to act on the authenticated copy of this order.

6. It is made clear that this Court has not expressed any

views on the merits of the matter. All the contentions of both the parties are kept open.

7. The writ petition is disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)