

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

908 WRIT PETITION NO.2076 OF 2018

DADA YASHWANTA NARWADE AND OTHERS .. Petitioners
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS .. Respondents

...

Advocate for Petitioners : Shri A.A. Nimbalkar, h/f.
Shri V.D. Salunke

AGP for Respondents – State : Shri A.B. Chate
Advocate for respondent No.3 : Shri S.S.Tope

...

**CORAM : P.R. BORA, J.
Dated: June 11, 2019**

PER COURT :-

1. With consent of the learned Counsel appearing for the parties, the petition is heard finally.

2. What is revealed from the arguments advanced by Shri Nimbalkar, learned Counsel appearing for the petitioners, is the fact that, the Hon'ble Minister has passed the impugned order without giving due opportunity of hearing to the present petitioners. The learned counsel submitted that, the notice for the date of hearing on 23.08.2017 was not served upon the petitioners and the envelope, which is tendered across the bar by the learned Counsel for my perusal supports the said fact.

From the endorsement overleaf of the said envelope, it is quite evident that, on 24.08.2017 for the first time an attempt was made to deliver the said notice on the petitioners, however the same could not be delivered since nobody was there at the house of the petitioners. Further endorsement evinces that, the notice was delivered on 26.08.2017.

3. The learned Counsel appearing for the respondents though disputed the contentions raised on behalf of the petitioners, on instructions, in the alternative submitted that, if this be the only objection raised on behalf of the petitioners, the respondents may not have any objection for remitting the matter to the Hon'ble Minister for hearing it afresh by giving opportunity to both the parties.

4. In view of the submissions so made and for the reasons recorded above, *prima facie* there is reason to believe that, due opportunity of hearing does not seem to have been given to the present petitioners. In the circumstances, I deem it appropriate to pass the following order.

ORDER

(i) The order dated 09.01.2018 passed by the Hon'ble Revenue Minister in Appeal No.2017/PK-59/J-7 is set aside and the matter is remitted to the Hon'ble Minister for hearing and deciding it afresh by giving due opportunity of hearing to both the parties.

(ii) The parties are directed to appear before the Hon'ble Minister on 22.07.2019. If the said date is not suitable, the secretariat of the Ministry shall give the next date by obtaining endorsement of the respective parties acknowledging the said date and the Hon'ble Minister shall decide the appeal as expeditiously as possible and preferably within the period of eight weeks thereafter.

(iii) The Writ Petition stands disposed of with the aforesaid order.

(iv) Authenticated copy be provided to the parties to act upon.

(**P.R. BORA, J.**)