

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

WRIT PETITION NO.11089 OF 2019

MARUTI BHAU KSHIRSAGAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioner : Shri A. N. Nagargoje
AGP for Respondent Nos. 1 to 7 : Shri N. T. Bhagat
Advocate for Respondent No. 8 : Shri P. R.
Katneshwarkar h/f. Shri V. S. Undre

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 16th OCTOBER, 2019.

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PER COURT :

1. This matter is on board today at Sr. No. 955. By consent of the parties, the matter is taken for hearing out of turn since it is stated that the matter can be disposed off.

2. The petitioner is before this Court being aggrieved by the order of the Deputy Collector, Osmanabad / Respondent No. 4 dated 29/07/2019. The primary ground raised is that the petitioner was not heard when the said order was passed.

3. The learned Advocate for respondent No.8, on perusal of the record submits that there is nothing to show that the petitioner was heard. The learned AGP also could not locate a specific notice being issued to the petitioner, date of hearing being scheduled and any hearing having taken place.

4. In view of the above, this petition is partly allowed. The impugned order dated 29/07/2019 is quashed and set aside and the matter is remitted to respondent No.4. Order dated 25/07/2019 is rendered infructuous.

5. The litigating sides shall appear before respondent No. 4 on 04/11/2019 at 03.00 p.m. Legal representatives of the parties are permitted. The litigating sides are at liberty to address respondent No. 4 orally and also tender their written notes of submissions alongwith case law, if any. The oral hearing in the matter should be concluded by 05/11/2019 by 5.00 p.m. and respondent No. 4 would then close the matter for delivering an order. The

matter would then be posted on 29/11/2019 at 03.00 p.m. and respondent No. 4 would deliver a reasoned order on the said date and time. Copies of the order shall be kept ready to be supplied to the litigating sides immediately on the same day, on an application made with payment of requisite fees.

(RAVINDRA V. GHUGE, J.)

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