

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12847 OF 2018

CHINTAMANI YESHWANT GOSWAMI AND ANOTHER
VERSUS
SHARAYUBAI DEVIDAS GOSWAMI AND OTHERS

Advocate for Petitioners : Mr. P.G. Deshmukh
h/f. Mr. Y.P. Deshmukh.
AGP for State : Mr. S.R. Yadav.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 10th January, 2019

PER COURT :

1. The Learned AGP submits that the proceedings which the petitioners desire to be decided within a particular time frame after hearing them, have already culminated into an order dated 17/12/2018 _passed by the Deputy Collector, Atiyat, Ambajogai.

2. Learned advocate for the petitioners has strenuously submitted that pursuant to the order of this Court, dated 12/12/2018, the petitioners along with their advocate had approached Shri Swami, the concerned Deputy Collector, Atiyat, for tendering an affidavit. Copy of the order dated 12/12/2018, by way of a print out obtained from the official website of the Bombay High Court, was also

tendered before the concerned Officer. The advocate of the petitioners was teased and treated in a manner, which amounts to insulting the legal profession besides insulting the advocates personally. He refrained from countering the behaviour of the Deputy Collector, since he was conscious that he was appearing before an authority which was exercising jurisdiction under the Atiyat Enquiries Act. The said Deputy Collector drove out the concerned advocate stating that unless he brings a certified copy of the order dated 12/12/2018, he would not entertain any application.

3. Shri Deshmukh, learned advocate has submitted feverishly that the entire advocates community stands insulted by the behaviour of Mr. Swami. Revenue authorities are developing tendencies of insulting lawyers which amount to insulting the profession itself. He is aware that the statutory remedy, challenging the order of the Deputy Collector, Atiyat, Ambejogai, under the Hyderabad Atiyat Act, lies before the District Collector. However, he would fail in his duty, if he does not point out that such revenue authorities are insulting lawyers at different places. He is prepared to file the affidavit of the

concerned advocate Shri Sandeep Ramdasi to support the above contentions.

4. The learned AGP submits, after collecting instructions, that though this Court has passed an order on 12/12/2018, the petitioners never made any statement before this Court when the further order was passed on 20/12/2018, that the concerned Deputy Collector has refused to accept the copy of the order of this Court. He, further, contends that Shri Swami, has not committed any such act as is alleged by the petitioners. The matter was pending before the concerned authority for almost a year. The petitioners would have availed of an opportunity to advance their oral submissions in the matter. The said proceedings were closed for orders on 15/09/2018 and thereafter, the petitioners have approached this Court on 25/09/2018, alleging that they have not been heard. This matter was circulated for the first time on 26/11/2018. He denies on instructions, that the concerned Deputy Collector has behaved in the manner as is alleged.

5. This Court would not go into word against word, since such disputed issues need not be gone into, more

so, if the rights of the petitioners can be substantially protected in accordance with the law. Nevertheless, no Revenue Officer is expected to insult the advocates. Respect by the legal fraternity towards Revenue Officers, is reciprocal. The revenue officer should also respect the lawyers and also extend the necessary courtesies.

6. It also needs to be noted that a print out of the orders passed by this Court, which are uploaded on the official website of High Court after passing three levels of checks and counter checks, are genuine documents. If any officer has any doubt about any order which is served upon him by way of a print out copy, the said authority can open the official website of the Bombay High Court and within seconds, can trace out the order passed. An order which is uploaded has a presumptive value in view of the security check which is followed and hence, the revenue authorities should consider the copy of such order, if produced before them. After checking from the official website, if the order is found to be never passed by this Court, the revenue authority can take steps against the litigating sides or even a lawyer appearing in the matter.

7. The learned AGP needs to convey to Shri Swami, Deputy Collector, Atiyat, that when this Court had caused its indulgence in the matter, he should have at least consulted the AGP for further guidance. The learned AGP would also convey that all revenue authorities need to be careful in such matters and would rely on the copies of the orders produced from the official website rather than insisting for certified copies of such orders.

8. Since the matter at issue, which was pending before the Deputy Collector, Atiyat, has been adjudicated upon, the petitioners are at liberty to assail the said order dated 17/12/2018, within four weeks from today before the District Collector, Beed, which is the authority concerned. All the contentions of the petitioners are kept open in view of the contention that they were never heard by the Deputy Collector, Atiyat, and that the order dated 17/12/2018, has been passed in violation of the principles of natural justice.

9. The District Collector, would consider the submissions of all litigating sides by following the due procedure of law and shall decide the proceedings on its

own merits. If these petitioners file an application for interim relief along with their proceedings, the District Collector is expected to decide the same expeditiously after hearing all the litigating sides in the matter.

(RAVINDRA V. GHUGE, J.)

S.P..C.