

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.14111 OF 2019

Kalusing s/o Mangilal Pawara (died),
through his legal representatives: Petitioners

Versus

The State of Maharashtra & others Respondents

WITH
WRIT PETITION NO.14112 OF 2019

Sapna Gita Pawara (died),
through her legal representatives: Petitioners

Versus

The State of Maharashtra & others Respondents

WITH
WRIT PETITION NO.14113 OF 2019

Mahendra s/o Ramlal Pawara Petitioner

Versus

The State of Maharashtra & others Respondents

WITH
WRIT PETITION NO.14114 OF 2019

Vishram s/o Jairam Pawara Petitioner

Versus

The State of Maharashtra & others Respondents

WITH
WRIT PETITION NO.14115 OF 2019

Surmal s/o Bilarsing Pawara Petitioner

Versus

The State of Maharashtra & others Respondents

WITH
WRIT PETITION NO.14116 OF 2019

Dhana s/o Senda Pawara Petitioner

Versus

The State of Maharashtra & others Respondents

WITH
WRIT PETITION NO.14117 OF 2019

Rohidas s/o Dongarsing Pawara Petitioner

Versus

The State of Maharashtra & others Respondents

WITH
WRIT PETITION NO.14118 OF 2019

Kuvarsing s/o Lotan Pawara Petitioner

Versus

The State of Maharashtra & others Respondents

WITH
WRIT PETITION NO.14119 OF 2019

Dongarsing s/o Lotan Pawara Petitioner

Versus

The State of Maharashtra & others Respondents

WITH
WRIT PETITION NO.14120 OF 2019

Tenya s/o Punya Pawara Petitioner

Versus

The State of Maharashtra & others Respondents

WITH
WRIT PETITION NO.14121 OF 2019

Subhash s/o Sapna Pawara	Petitioner
Versus	
The State of Maharashtra & others	Respondents

WITH
WRIT PETITION NO.14122 OF 2019

Manilal s/o Sonarya Pawara	Petitioner
Versus	
The State of Maharashtra & others	Respondents

WITH
WRIT PETITION NO.14123 OF 2019

Chunilal s/o Jemlya Pawara	Petitioner
Versus	
The State of Maharashtra & others	Respondents

WITH
WRIT PETITION NO.14124 OF 2019

Magan s/o Ruma Pawara	Petitioner
Versus	
The State of Maharashtra & others	Respondents

Mr.P.B.Rakhunde, advocate for petitioners.
Mrs.A.V.Gondhalekar, AGP for the Respondents.

**CORAM : S.V.GANGAPURWALA &
AVINASH G. GHAROTE,J J.**

DATE : 21st November, 2019

PER COURT:

1 Mr.Rakhunde, learned Counsel for the petitioners, submits that the petitioners had filed appeals to Respondent No.2 against the order passed by Respondent No.3. Respondent No.2, without giving opportunity of hearing to the petitioners, dismissed the appeals filed by the petitioners. The case put forth by the petitioners also has not been considered. No reasons are given.

2 The learned AGP, appearing for the Respondents, submits that after considering the entire record, the order has been passed by the respondent no.2. No proof has been produced by the petitioners of their cultivation or occupation prior to 31.12.2005. Considering that no evidence has been produced in respect of occupation prior to 31.12.2005, Respondent No.2 has rightly dismissed the appeals.

3 We have considered the submissions of the learned Counsel for respective parties.

4 Reading the order, it is manifest that it does not disclose the case put forth by the petitioners nor the order discloses that the petitioners were heard.

5 The distinction between an administrative order and quasi judicial orders has almost been obliterated. If remedy of an appeal is provided under the statute and if the petitioners had preferred appeals before Respondent No.2, then the cardinal and fundamental principles of natural justice are required to be adhered to. The impugned order neither depict that the petitioners were heard nor that the case of the petitioners was considered in the appeal.

6 In the light of above, the impugned order dated 02.03.2019, passed by Respondent No.2, is quashed and set aside. The parties are relegated before Respondent No.2. The petitioners shall appear before Respondent No.2 on 09.12.2019. As the petitioners have been directed to appear before Respondent No.2, it is not necessary for Respondent No.2 to issue notice to the petitioners. Respondent No.2 shall take decision after considering the case put forth by the petitioners.

7 Writ Petitions are accordingly disposed of. No costs.

AVINASH G. GHAROTE
JUDGE

S.V.GANGAPURWALA
JUDGE

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