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

17 WRIT PETITION NO.12623 OF 2016

MOHD NADIR YUNUS MAMDANI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Palodkar Devdatt P.
AGP for Respondents/State : Mr. S.K. Tambe

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**CORAM : P.R. BORA, J.
DATED : 08th JULY, 2019.**

PER COURT:-

1. When the present petition is taken up for hearing and after I heard the argument of the learned counsel appearing for the petitioners for sometime and more particularly when I perused the impugned order, It is apparently revealed that the Appellate Authority i.e. respondent no.4 has simply affirmed the valuation made by the lower authorities. The order does not reflect that any of the issues raised by the petitioners were given any consideration.

2. In the circumstances, it appears to me that the matter deserves to be remitted to respondent no.4 for deciding it afresh by considering all issues which are raised by the petitioners in the present petition. Hence, the following order:

ORDER

- i) The order dated 15.05.2015 passed by respondent no.4 is set aside and the matter is remitted to the said authority to decide it afresh by giving due opportunity to the parties concerned.
- ii) Respondent no.4 shall hear and decide the appeal as expeditiously as possible, preferably within the period of eight weeks from the date of this order.
- iii) The petitioners to appear before respondent no.4 on 15.07.2019.
- iv) The petitioners are permitted to withdraw the amount deposited by them in the present petition.
- v) The writ petition is disposed of.

(P.R. BORA, J.)

Mujaheed//