

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2088 OF 2015

Tukaram @ Shankar Dattu Jadhav ... Petitioner
Vs.
1. State of Maharashtra, through Chief
Secretary, Revenue and Forest Dept. and Ors. ... Respondent

Mr. Rahul P. Walvekar for the petitioner.
Mr. Mr. Kuldeep Patil I/b Prashant Patil for respondent no.3.
Mr. C.D. Mali, AGP for respondent nos. 1 and 2.

CORAM : NITIN W. SAMBRE, J.

DATE : 11th June, 2019.

P.C. :

Having heard the respective Counsels for some time, the only ground on which the order impugned dated 01/07/2014 can be held to be not sustainable is the learned Minister heard the matter on 25.07.2013 and passed the order impugned on 01/07/2014 i.e. almost after period of one year.

2. The aforesaid issue is well settled. The delay in delivering

the order after hearing i.e. in the present case after period of more than 11 months amounts to denial of opportunity of hearing. The appropriate support can be drawn from the judgment of Apex Court in the matter of **Anil Rai V/s State of Bihar, [(2001) 7, Supreme Court Cases 318]**.

3. As such, the order impugned dated 01.07.2014 passed in Appeal No. RTS -3812/PK20/J-5A(page 23) is hereby quashed and set aside. The said proceeding restore to the file of the State Government. The petitioner and respondent no.3 undertakes to appear before the State Government on 15/07/2019. This Court expects that the State Government shall dispose of the matter in any case not beyond three months from the date of appearance.

4. With the above observations, the petition stands disposed of.

5. Needless to clarify that the Court has not examined the merits of the case.

(N. W. SAMBRE, J.)