

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2719 OF 2016

Haribhau s/o Sahadeorao Kashikar and anr.

-vs-

Dhananjay Krushnarao Dighade and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. Bhide, Advocate for petitioners.

Shri A. V. Palshikar, Assistant Government Pleader for
respondent Nos.2 and 3.

CORAM : A.S.CHANDURKAR, J.

DATE : June 24, 2019

The respondent No.1 has been duly served with the notice issued but he has not chosen to enter appearance. Accordingly I have heard the learned counsel for the petitioner and the respondent Nos.2 and 3 by issuing Rule and making the same returnable forthwith.

2. The order dated 30/04/2014 passed by the Divisional Commissioner in exercise of powers under Section 257 of the Maharashtra Land Revenue Code, 1966 is under challenge. It is submitted on behalf of the petitioner that the said order does not indicate any reasons whatsoever for confirming the order passed by the Sub Divisional Officer dated 25/02/2010. Though various grounds were raised before the Divisional Commissioner, the same

had not been considered thereby causing prejudice to the petitioners.

3. Perusal of the impugned order indicates that except for observing that the order passed by the Sub Divisional Officer was correct, there is no consideration of other grounds raised on behalf of the petitioners. The grievance of the petitioners is that the Sub Divisional Officer had proceeded to reduce the area held by them without proper enquiry.

4. In the light of the fact that no reasons have been assigned by the Divisional Commissioner while dismissing the revision application preferred by the petitioners, a fresh consideration of the said proceedings is warranted. Hence on the ground that the impugned order is passed without assigning any reasons, same is set aside. The proceedings are remanded to the Divisional Commissioner for fresh consideration in accordance with law. The Divisional Commissioner shall give due opportunity to the parties and decide the proceedings expeditiously in accordance with law.

The Writ Petition is allowed in aforesaid terms with no order as to costs.

JUDGE