

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

Writ Petition No.5167/2018

(Vishwanath S/o Zabarmal Bhoot Vs. State of Maharashtra and others)

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

Court's or Judge's orders.

Mr. S.K.Bhoyar, Advocate for the petitioner.
Mr.S.B.Bissa, AGP for respondent nos.1 to 4.

CORAM : Manish Pitale, J.
DATED : March 13, 2019.

By this writ petition, the petitioner has challenged the order dated 20.06.2017 passed by respondent no.3-Tahsildar, whereby the said Authority has reviewed its own order dated 09.04.1989 converting the land in question to non-agricultural use.

2. The petitioner is the purchaser of a plot in the said land from the original owner i.e. father of respondent no.5, at whose instance, the land had been converted to non-agricultural use by virtue of the order dated 09.04.1989, passed by the Tahsildar.

3. It appears that respondent no.6 had applied under the provisions of the Right to Information Act, 2005, for information regarding the aforesaid land and its conversion to non-agricultural use. In the proceedings initiated by respondent no.6 when the matter reached respondent no.4-State Information Commissioner, an order was passed by the said

respondent not only for giving information to respondent no.6, but also to initiate enquiry against the Revenue Officers in respect of the subject matter.

4. It appears that this order of respondent no.4 triggered respondent no.3-Tahsildar to submit an application before the Sub Divisional Officer seeking permission to review its own earlier order dated 09.04.1989, whereby the land had been converted to non-agricultural use. In pursuance of permission so granted, respondent no.3 passed the impugned order dated 20.06.2017.

5. There can be no doubt about the fact that the impugned order dated 20.06.2017 adversely affects the interest of the petitioner, who purchased a plot in the very same land. A perusal of the impugned order dated 20.06.2017 shows that a copy of the same has been marked to respondent nos.5 and 6 and there is nothing to show that the petitioner or any other person directly affected by the said order, was put to notice.

6. Respondent no.3 was clearly aware about the fact that plots in the land in question had been disposed of by the original owner after conversion to non-agricultural use and that the revenue entries had also been made in that regard.

7. In such a situation, if respondent no.3 intended to review its own order passed way back on 09.04.1989, it was incumbent upon respondent no.3 to

put to notice all the persons likely to be affected by review of the said order and to be heard before any order in review was passed. On this short ground, this Court finds that the impugned order is unsustainable.

8. Accordingly, the impugned order is quashed and set aside. Writ Petition is allowed. Respondent no.3 would be at liberty to take appropriate steps only after putting the petitioner and affected persons to notice.

9. Writ petition is disposed of.

JUDGE

ambulkar