

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

WRIT PETITION NO. 5775 OF 2021

Changdev Pandurang Sangle
Since deceased through his L.Rs.
Shashikala Changdev Sangle
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. A. D. Shinde, Advocate for the Petitioners.
Mr. S. K. Tambe, AGP for Respondent Nos. 1 to 5.
Mr. A. B. Kale, Advocate for Respondent No. 6.
Mr. P. P. Dhorde, Advocate for L.Rs. of Respondent No. 7.
Mr. P. V. Barde, Advocate for Respondent No. 8.

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 10th AUGUST, 2021.

PER COURT:-

1. We have heard Mr. Shinde, learned counsel for the petitioners, the learned A.G.P. for respondent Nos. 1 to 5, Mr. Kale, learned counsel for respondent No. 6, Mr. Dhorde, learned counsel for L.Rs. of respondent No. 7 and Mr. Barde, learned counsel for respondent No. 8.

2. Amongst other contentions, one of the contention of the learned counsel for the petitioners is that the impugned order is passed without notice to the petitioners.

3. Upon perusal of the order, it appears that, the petitioners were not issued with notices. The petitioners claim to be tenants. The issue of tenancy is decided in favour of the petitioners by the Maharashtra

Revenue Tribunal. The said order is challenged by the Landlord. The writ petition filed by him is pending before the Court. The impugned order is passed directing handing over of possession to the Landlord. In such a scenario, the petitioners would be affected party.

4. It is cardinal principle of civil jurisprudence that if the order adverse to the interest of a party is to be passed, opportunity of hearing is required to be accorded to him.

5. In the present case, as the impugned order is passed without notice to the petitioners, the impugned order is quashed and set aside. The parties shall appear before the Divisional Commissioner, Nashik Region, Nashik on 07.09.2021. The Divisional Commissioner shall consider the case put forth by all the parties and pass orders afresh on its own merits, expeditiously and preferably within a period of four (04) months from the date of appearance of the parties.

6. As the date is already given to the parties, separate notices are not required to be issued to the parties.

7. Writ petition accordingly is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.