

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

WRIT PETITION NO. 5742 OF 2020

Gangabai Laxman Ade

..PETITIONER

VERSUS

Maroti Malka Sidam and Others

..RESPONDENTS

....

Mr. R.B. Ade, Advocate for petitioner

Mr. B.N. Gadegaonkar, Advocate for respondent no.1

Mr. S.R. Bagul, Advocate for respondent no.2

Mr. Y.G. Gujarathi, A.G.P. for respondent no.3 - State

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CORAM : R.G. AVACHAT, J.

DATED : 12th FEBRUARY, 2021

PER COURT :

1. Heard. The challenge in this writ petition is to the order dated 14th July, 2020 passed by the Sub-Divisional Officer (Assistant Collector), Kinwat in File No.2019/BND-56/Wayphani (Mahur)/CR-26, whereby the order passed by the Mamlatdar on 10th July, 2019 in the rasta case has been set aside.

2. The petitioner/revision applicant was not a party to the proceeding before the Mamlatdar. The Sub-Divisional Officer was, therefore, right in allowing the revision application. He has however, not remanded the matter back to the Mamlatdar for giving the petitioner/revision applicant an

opportunity of hearing. Since same has not been done and the file before the Mamlatdar has been closed which would be prejudicial to the interest of the petitioner, the order impugned in this writ petition deserves to be set aside. Same is, therefore, set aside. The matter is remanded back to the Mamlatdar to decide afresh after giving the parties an opportunity of hearing.

3. Writ petition is disposed of accordingly.

(R.G. AVACHAT, J.)

SSD