

Urmila Ingale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1158 OF 2020

Ashish Chandrasingh Zaveri	Petitioner
Vs.	
Tahsildar and ALT, Kalyan and ors.	Respondents

Mr.G.S. Godbole a/e Mr.Deepak Shukla i/b M/s.Vinod Mistry & Co.,,
for the Petitioner.
Mr.Vishal Khanavkar, for Respondent No.2.
Mr.Atharva Dandekar, for Respondent No.13.
Mr.S.H. Kankal, AGP for the Respondent – State.

CORAM : M. S. KARNIK, J.

DATE : 05th APRIL, 2021

P.C. :

. Not on board. Taken on board.

2. The order impugned in this Petition is passed by Tahsildar cum ALT, Kalyan which is at Exhibit 'P' page 161. Learned Counsel for Respondent No.2 – original Applicant submits that though he disputes the contention that the Petitioner was not heard, however, has no objection if the matter is remitted to ALT for fresh hearing. It is the grievance of the Petitioner that he was not heard by Tahsildar. Learned Counsel for Respondent No.2 on instructions says that he has no objection if the Petitioners are heard.

3. Learned counsel for the Respondent No.2 says that it was the Respondent No.2 who is mainly contesting before the ALT and as his interest is similar to the other applicants, it is Respondent No.2 who is looking after the interest of the other Applicants. In these circumstances in view of the concession given by the Respondent No.2, notices are not issued to the other Applicants so as not to protract the proceedings.

4. The impugned order is set aside. The Tahsildar, ALT to hear the Application dated 01/06/2018 filed by the Petitioner afresh and on its own merits in accordance with law.

5. All contentions are kept open. I may not be understood to have expressed any opinion on merits or otherwise of the application dated 01/06/2018. The matter is remitted back only to enable the Tahsildar to hear the Petitioner and pass appropriate order on the application within a period of 4 weeks from today.

6. I am informed that the matter is listed before Tahsildar on 06/04/2021. Parties to appear before Tahsildar on 06/04/2021. The Petitioner is expected to argue the Application

on 06/04/2021 itself. However, for some reason, if the adjournment is sought, the same may be considered on its own merits and in any case, the application be decided within a period of 4 weeks from today.

7. Writ Petition is disposed of.

(M.S.KARNIK, J.)