

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4879 OF 2021

Salim Sattar Momin

.. Petitioner

Versus

Sub Divisional Officer, Walwa Division, Islampur
& Ors.

.. Respondents

-
- Mr. Pratap Patil for the Petitioner
 - Ms. S.D. Vyas, 'B' Panel Counsel for the State
 - Mr. Umesh Pawar for Respondent No. 2 (appeared Through VC)
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CORAM : S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.

DATE : SEPTEMBER 20, 2021.

P.C.:

By the above Writ Petition, the Petitioner seeks the following
reliefs:-

- "a) The impugned Order No. Gaothan/Punarvasan/182/2021 dated 08.07.2021 passed by Ld. Sub Divisional Officer, Walwa, at Islampur (Exh.-O of Writ Petition) be quashed and set aside;
- b) The Respondent No.1 - Ld. Sub Divisional Officer, Walwa, at Islampur, be directed to decide the Review bearing No. Gaothan/Punarvasan/182/2021 afresh after giving opportunity of being heard to all parties including Petitioner."

2. We have gone through the order passed by Dr. Vijay Deshmukh, Sub-Divisional Officer Walwa, Division Islampur dated 08.07.2021. At the outset, he has written that the matter is heard from time to time and the order is passed after considering the oral as well as written submissions by the parties. Admittedly, no written submissions were

tendered on behalf of the Petitioner. The Petitioner has also alleged that no notice of hearing was received by the Petitioner for the hearing purportedly held on 07.05.2021, 21.05.2021 and 07.06.2021. In view thereof, we pass the following order:-

- (i) The order dated 08.07.2021 passed by the Sub-Divisional Officer Walva, Division Islampur is quashed and set aside;
- (ii) The present Sub-Divisional Officer Walva, Division Islampur shall give a hearing to all the concerned parties;
- (iii) The concerned parties shall appear before the Sub-Divisional Officer Walva, Division Islampur on 27.09.2021 at 12.00 noon. The Sub-Divisional Officer shall after hearing the parties pass a fresh order strictly on merits within a period of two weeks thereafter without being influenced by the order passed on 08.07.2021 which we have quashed and set aside;
- (iv) All contentions of the parties are kept open;
- (v) Advocate Mr. Umesh Pawar undertakes to file appearance on behalf of Respondent No. 2;
- (vi) In view of the above, the Writ Petition is disposed off.

[MILIND N. JADHAV, J.]

[S. J. KATHAWALLA, J.]

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