

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

WRIT PETITION NO. 3130 OF 2016

**TULSABAI SAHEBRAO GHAIWAT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr. Devdatt P. Palodkar
AGP for Respondent Nos.1 to 4 - State : Mr. S. B. Pulkundwar
Advocate for Respondent Nos.5 and 6 : Mr. S. B. Ghute

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CORAM : MANGESH S. PATIL, J.

DATED : 06 JUNE 2022

PER COURT :

. Heard the learned advocate for the petitioner, learned AGP and the learned advocate for the contesting respondent Nos.5 and 6 finally.

2. Rule.

3. Being aggrieved and dissatisfied by a scheme finalized under the Maharashtra Prevention of Fragmentation and Consolidation at Holdings Act, 1947, the petitioner preferred a proceeding before respondent No.2 styled as one under section 247 of the Maharashtra Land Revenue Code, 1966. By the communication (Exh.D) dated 03 October 2015, the respondent No.2 informed that there was no error in the consolidation scheme and refused to cause any interference in the scheme.

4. Irrespective of the fact that the petitioner's proceeding was filed under section 247 of the Maharashtra Land Revenue Code, the respondent No.2 was duty bound to register it and decide it judiciously. He was called upon to exercise a quasi-judicial power vested in him.

5. It is quite abundant from the record that instead of conducting any inquiry as is expected in a quasi-judicial proceeding, by the impugned communication it was simply informed that the consolidation scheme was correctly finalised and there was no error. There is no semblance of any inquiry as was required to be conducted by him principles of natural justice have also not been followed.

6. Suffice for the purpose to observe that this court in the matter of **Savitri Chandrakesh Pal Vs. State of Maharashtra and Ors.; 2009 (4) Mh. LJ 406**, has laid down the guidelines to be followed by the quasi-judicial authorities while conducting the inquiries. In complete disregard to such directions, the impugned communication clearly refuses to undertake any inquiry. The order clearly demonstrates that the respondent No.2 has refused to exercise the jurisdiction that was vesting in him.

7. The writ petition is partly allowed.

8. The impugned communication/order dated 03 October 2015 is quashed and set aside. Respondent No.2 shall now register the proceeding

and decide it on its own merits in accordance with law. Nothing is being expressed on the merits of the matter.

9. Rule is made absolute in above terms.

(MANGESH S. PATIL, J.)

Tandale/-