

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

907 WRIT PETITION NO. 8526 OF 2021

**DASHRATH RAGHOJI GUNJKAR
VERSUS
THE STATE OF MAHARASHTRA & OTHERS**

...
Advocate for the petitioner : Mr.H.S.Bali
AGP for Respondent-State : Mr.S.G.Sangle
Advocate for Respondent No.4 : Mr.R.K.Ingole

...
**CORAM : RAVINDRA V. GHUGE &
S.G.DIGE, JJ.**

DATE : 04.05.2022

P.C. :

1. The petitioner and respondent no.4 are biological brothers. The petitioner is around 82 years of age and respondent no.4 is around 70 years of age. Both pray that the proceedings before the Chief Officer, Municipal Council, Kalamnuri, which have been disposed off due to lack of documents, vide the impugned order dated 23.02.2021, be restored to the file of the Chief Officer and both would adopt a conciliatory approach and assist the Chief Officer in bringing about the resolution to the said dispute.

2. The learned Advocate representing respondent no.3 did not remain present before us on the last date. Even today, he is not available.

3. In view of the above, this petition is disposed off with the following directions :-

a] The proceedings bearing जा.क्र./2020/कर.वि./१२२५ decided by the Chief Officer on 23.02.2021, are restored to the file of the Chief Officer, Municipal Council, Kalamnuri, District Hingoli.

b] Both, the petitioner as well as respondent no.4, are put to notice that they shall appear before respondent no.3 on 1st June, 2022, at 12.00 noon.

c] The Chief Officer would commence the proceedings between the parties and after considering the record made available, pursuant to granting sufficient opportunities to the litigating parties, shall decide the issue by passing a reasoned order.

d] In the event, the petitioner and respondent no.4 resolve their disputes amicably, the Chief Officer would take a cognizance of the same and pass an appropriate order.

e] We expect the Chief Officer to conclude the said proceedings, on or before 15th September, 2022.

[S.G.DIGE, J.]

[RAVINDRA V. GHUGE, J.]

DDC