

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

WRIT PETITION NO.14561 OF 2019

Anil Vasantryao Lungase = PETITIONER

VERSUS

1. The State of Maharashtra
and Ors. = RESPONDENT/S

Mr.Mukul S.Kulkarni, Advocate for Petitioner;
Mr.KB Jadhavar,AGP for Respondent Nos. 1 to 4;
Mr.VP Latange, Adv. For Respondent No.5.

CORAM : SMT. BHARATI H.DANGRE,J.
DATE : 25th January, 2022.

PER COURT :-

1. A limited grievance of the petitioner in the present petition is against an order passed by Respondent No.1 – The Minister of State (Revenue) in proceedings bearing No. RTS 3318/PK 215/J-6A dated 15.7.2019 and the foremost ground advanced by the counsel for the petitioner is to the effect that while allowing the Review Petition, the petitioner, who was party to the original proceeding, was not even noticed or heard and necessarily the order impugned suffers from violation of principles of natural justice.

With the assistance of learned Counsel

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for the petitioner and learned Counsel appearing for Respondent No.5, when the impugned order is perused, the contention of the petitioner holds ground. The impugned order came to be passed by the Hon'ble Minister, which resulted in reviewing the earlier order dated 30.11.2016 and it is manifest that the petitioner is a party to the said review petition nor he was noticed and heard. Necessarily such an order, which is passed behind the back of the petitioner, affecting his interest, cannot be sustained and deserves to be quashed and set aside.

2. Learned Counsel for the petitioner submits that, in fact, the order dated 30.11.2016 came to be challenged before this Court in Writ Petition No.8056/2017 and the said order has been upheld on 6.8.2018 and his submission is, once the order under review has been upheld by this Court, it was not open for the Hon'ble Minister to review the said order, needs to be accepted. In any case, it is open for him to raise an objection before the competent authority, i.e. Respondent No.1, on the matter being remanded and persuade, the authority to act in terms of the earlier order, which has been

(3)

already upheld by the High Court in exercise of its writ jurisdiction.

3. As a result of the above, the impugned order dated 15.7.2019 is quashed and set aside and the proceeding in the form of RTS 3318 /PK 215/J-6A is remanded to Respondent No.1 for its determination.

Respondent No.1 is requested to take a final decision upon the same within a period of three months from today, after affording an opportunity to all the concerned and whosoever is likely to be affected by the outcome of the said order.

(SMT. BHARATI H.DANGRE,J.)

BDV