

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6084 OF 2021

Chandrakant Babu Vharate

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

-
- Mr. Rahul P. Kasbekar for the Petitioner
 - Ms. S.D. Vyas, 'B' Panel Counsel for the State
-

CORAM : S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.

DATE : JANUARY 10, 2022.
(Through Video Conferencing)

P.C.:

. Heard the learned Advocates appearing for the parties.

2. Perused the impugned order dated 05.10.2020 (Exh. 'M') passed by the Nayab Tahsildar (Revenue), Office of the Collector, Kolhapur. We find that the order is cryptic with no reason as to why the Petitioner is called upon to pay Rs. 24,97,572/- towards unearned income despite the representation of the Petitioner dated 26.12.2017 which is not even referred to in the impugned order. Admittedly no hearing was given to the Petitioner. Without giving a hearing to the Petitioner and without passing a reasoned order, not only the impugned order is passed but necessary changes have been effected in the Revenue Records and the property now stands in the name of the

State in the Property Records.

3. In view of the above, the impugned order dated 05.10.2020 is set aside. The Nayab Tahsildar (Revenue) shall give a hearing to the Petitioner and the concerned parties on 17.01.2022 at 12.00 noon and after considering their oral as well as written submissions if any, pass a fresh speaking order strictly on merits within a period of three weeks from the date of hearing.

4. Copy of the Enquiry Report prepared by the Superintendent of the Land Records shall be forthwith forwarded to the Petitioner and / or his Advocate.

5. Status quo with regard to the property shall be maintained in the meantime and also for a period of four weeks from the date of passing of the order by the Nayab Tahsildar to enable the aggrieved party to challenge the order.

6. All contentions of the parties are kept open.

7. In view of the above, the Writ Petition is disposed of.

[MILIND N. JADHAV, J.]

[S.J. KATHAWALLA, J.]

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