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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4930 OF 2022

Hemlata Kalpesh Patel Being Legal
Representative of Mr.Kalpesh Ratilal
Patel (Since Deceased) Petitioners

Vs.

The State of Maharashtra & Anr. Respondents

Mr.Prashant D. Jadhav i/b Ms.Vishakha Pandit for the
Petitioner

Mrs.M.S.Bane, A.G.P. for the State

**CORAM: S.V.GANGAPURWALA &
M.G.SEWLIKAR, JJ.**

DATED : APRIL 22, 2022

P.C.

1. The Petitioner assails the impugned demand notice directing the Petitioner to pay the penalty and the occupancy charges.

2. It is submitted that the Petitioner has filed reply to the show cause notice issued to him under section 329(2) of the Maharashtra Land Revenue Code, 1966. While passing the impugned order, the said reply has not been considered at all and the impugned order is passed.

3. We have heard the learned A.G.P.

4. Perusal of the impugned demand notice, it appears that, the say filed by the Petitioner to the show cause notice has been totally ignored. No reference is made to the stand taken by the Petitioner in reply to the show cause notice. The demand notice is issued in mechanical manner. Same also does not refer to the order passed pursuant to the show cause notice.

5. As the demand notice is bereft of reason, so also, does not consider the reply filed by the Petitioner, the impugned demand notice is quashed and set aside. The Tahsildar shall consider the reply filed by the Petitioner to the show cause notice and take decision afresh on its own merits. Petitioner may represent himself before the Tahsildar. Fresh decision shall be taken by the Tahsildar preferably within three months. If the Petitioner desires, Petitioner may file Additional say within two weeks from today.

6. Writ Petition is disposed of.

(M. G. SEWLIKAR, J.)

(S.V.GANGAPURWALA, J.)