

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

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WRIT PETITION NO.7596 OF 2022

New Era Fabrics Limited

.. Petitioner

Versus

The Tahsildar, Khalapur,
District Raigad & Anr.

.. Respondents

Mr.M.M.Vashi a/w Mr.Jaineel Vashi i/by M.P. Vashi Associates for the petitioner.

Mrs.Ashwini A. Purav, AGP for the respondent nos.1 & 2.

**CORAM : R.D. DHANUKA &
M.G. SEWLIKAR, JJ.**

DATE : 8th JULY 2022

P.C.:-

. Rule. Rule made returnable forthwith. Learned AGP waives service for the respondent nos.1 & 2.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner has impugned the order dated 16th February 2021 passed by the Tahsildar, Khalapur rejecting the representation made by the petitioner without granting personal hearing to the petitioner and without considering the grounds made in the representation.

3. Learned AGP does not dispute that order was passed without hearing the petitioner and without considering the contentions raised in the representation.

4. We accordingly pass the following order :-

(i) The order dated 16th February 2021 passed by the Tahsildar, Khalapur is quashed and set aside and restore the representation made by the petitioner on file.

(ii) The Tahsildar, Khalapur shall decide the said representation afresh in accordance with law after granting personal hearing to the petitioner without being influenced by the observations made and the conclusions drawn in the order dated 16th February 2021 within six weeks from the date of granting personal hearing to the petitioner.

(iii) The petitioner is directed to remain present before the Tahsildar, Khalapur on 20th July 2022 at 11.00 a.m. The petitioner shall not seek any unnecessary adjournment before the Tahsildar.

(iv) The order that would be passed by the Tahsildar shall be communicated to the petitioner within one week from the date of passing such order.

(v) If the said order is adverse against the petitioner, the petitioner would be at liberty to file appropriate proceedings as is permissible in law.

(vi) This Court has not expressed any views on merit of the representation made by the petitioner.

(vii) All contentions of both the parties are kept open.

5. Writ petition is disposed off in aforesaid terms. Rule is made absolute. No order as to costs.

M.G. SEWLIKAR, J.

R.D. DHANUKA, J.