

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

WRIT PETITION NO.9671 OF 2021

Chindha @ Pundlik Jayana Wagh

..Petitioner

Versus

Hirabai Dattatray Sonawane & Anr.

..Respondents

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Mr. Sachin Gite, for the Petitioner.

Mr. Girish R. Agrawal, for Respondent No.1.

Smt. V. S. Nimbalkar, AGP for Respondent No.2.

CORAM : NITIN W. SAMBRE, J.

DATE : 27th JULY, 2022

P.C.

1. The order impugned is passed in exercise of powers under Section 258 of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as "the MLR Code" for the sake of brevity) whereby the prayer of the respondents for review of the order came to be allowed on 10th August, 2021.

2. The contentions are, the petitioner was indisposed, as such was unable to submit the written notes. Mr. Sachin Gite would urge that no opportunity of hearing was offered to the petitioner.

3. Prayer is opposed by the counsel for respondent No.1, Mr. Girish Agrawal, so also AGP who support the

order impugned, as according to them, there reflects presence of petitioner's son during the course of hearing on 25th February, 2021.

4. I have appreciated the said submissions.

5. The fact remains that even if the petitioner has failed to submit written notes of arguments and the son of the petitioner was present on the date of hearing on 25th February, 2021, the least that expected from Revenue Authority i.e. State Government is to consider the oral submissions, if any, which are not reflected in the order impugned. As such, the order impugned is in violation of the principles of natural justice.

6. That being so, the order impugned passed in exercise of powers under Section 258 of the MLR Code by the State Government on 10th August, 2021 is hereby quashed and set aside.

7. The review application of the respondents stood restored to the file of the State Government.

8. The parties to the present petition assure that they shall appear before the State Government on 22nd August, 2022 with written notes of arguments.

9. This Court expects the State Government to grant personal hearing to both parties to the proceeding and decide the same expeditiously and in any case within period of eight weeks from the date of submission of written notes of arguments.

10. The petition as such stands partly allowed.

[NITIN W. SAMBRE, J.]