

JPP

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

WRIT PETITION NO. 33 OF 2022

Ramdas Baban Gawade

... Petitioner

V/s.

The State of Maharashtra and Anr.

... Respondents

with
WRIT PETITION NO. 36 OF 2022
with
WRIT PETITION NO. 38 OF 2022
with
WRIT PETITION NO. 39 OF 2022
with
WRIT PETITION NO. 117 OF 2022
with
WRIT PETITION NO. 87 OF 2022
with
WRIT PETITION NO. 46 OF 2022
with
WRIT PETITION NO. 127 OF 2022
with
WRIT PETITION NO. 81 OF 2022
with
WRIT PETITION NO. 83 OF 2022
with
WRIT PETITION NO. 37 OF 2022
with
WRIT PETITION NO. 85 OF 2022

Mr. Nitin Padmakar Deshpande for the Petitioners
Ms. A.A. Purav, AGP for the Respondent - State

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

DATE : 27 APRIL 2022

P.C. :-

Learned Counsel for the Petitioners submits that the names of the Petitioners were mutated in the Revenue Record. The said mutation entries have been abruptly cancelled without notice to the Petitioners and without hearing the Petitioners.

2. We have heard the learned AGP.
3. It is the cardinal and fundamental principles of natural justice that if any order adverse to the interest of any party is to be passed, the parties are required to be noticed.
4. In the present case as averred, the mutation entries in favour of the Petitioners have been cancelled without notice to the Petitioners and without hearing the Petitioners. The cardinal principles of natural justice are violated in this case.
5. In the light of above, we pass the following order :-
 - (i) The Petitioners shall appear before the Deputy Commissioner (Rehabilitation) who has cancelled the mutation entries on 30th May 2022.

(ii) The mutation entries effectuated by the State Government shall not take effect until the Deputy Commissioner (Rehabilitation) decides the matter with regard to the mutation entries afresh nor the change in the mutation entries shall give right to the Respondents to deal with the property in any manner.

(iii) After the Petitioners appear before the Deputy Commissioner (Rehabilitation), the Petitioners may put forth their stand and fresh decision shall be taken by the Deputy Commissioner (Rehabilitation) preferably within three months from the date of appearance of the Petitioners.

(iv) It is needless to state that the Deputy Commissioner (Rehabilitation), shall consider the contentions on merits without being influenced by any directions issued.

6. Writ Petitions are accordingly disposed of. No costs.

(M.G. SEWLIKAR, J.)

(S.V. GANGAPURWALA, J.)

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