

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4377 OF 2021

Laxman Mahadeo Vadki and others,

..vs..

Naib Tahsildar and Joint Mamlatdar, Saoner, District Nagpur and others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri V.B. Palorkar, Advocate for petitioners.

Shri Rohan R. Deo, Advocate for respondent nos.2 to 11.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 03/02/2022

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Shri Rohan R. Deo, learned Counsel waives service on behalf of respondent nos. 2 to 11.

3. Heard learned Counsel for the petitioners and learned Counsel for the respondents. I have perused the record.

4. By order dated 09/09/2021, the Naib Tahsildar has partly allowed the application under Section 5 of the Mamlatdar Courts Act and directed the petitioner herein to remove the obstruction on the road under survey no.203/1.

5. The record reveals that the application was filed on 07/09/2021 and the petitioners were served

with notice on 08/09/2021. The petitioners put in their appearance on 09/09/2021 and sought time to file reply/written statement. The Naib Tahsildar allowed the application on the same day without giving opportunity to the petitioners to file their reply/written statement.

6. The impugned order which is in total violation of the principles of natural justice cannot be sustained. Hence the petition is allowed. The impugned order is set aside and the matter is remanded to the Naib Tahsildar with direction to give an opportunity to the petitioners to file reply and decide the application in accordance with law.

7. The Writ Petition stands disposed of.

JUDGE

R.S. Sahare