

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 108 OF 2023

M/s N. K. Gade through Partner
Yogesh Madhukar Gade .. Petitioner

Versus

The Collector, Ahmednagar and others .. Respondents

Shri Sandeep Shinde, Advocate h/f Ergo Juris, Advocate for the
Petitioner.

Shri S. B. Yawalkar, Addl. G. P. for the Respondent Nos. 1 to 4.

**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.
DATE : 06TH MARCH, 2023.**

FINAL ORDER :

. Heard.

2. The order impugned admittedly appears to have been passed without affording personal opportunity of hearing. Vide order impugned the petitioner is saddled with the penalty and also payment of royalty with fine.

3. Since the order impugned adversely affects rights of the petitioner, it was expected of the authority to make available all the adverse material and grant opportunity of personal hearing, which the respondent has admittedly failed to. That being so the order impugned passed by the Tahsildar on 01st December, 2022

is hereby quashed and set aside. The petitioner assures that, he shall appear before the Tahsildar on 20th March, 2023 along with written notes of arguments and all the material and evidence, which it intends to rely upon.

4. In view of above, petition stands partly allowed. The order impugned is set aside. It is directed that petitioner shall appear on 20th March, 2023 before the Tahsildar, Sangamner. The Tahsildar shall decide the claim of the petitioner expeditiously thereafter and in any case within a period of fifteen (15) days from the date of appearance.

[S. G. CHAPALGAONKAR, J.]

[NITIN W. SAMBRE , J.]

bsb/March 23