

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

30 WRIT PETITION NO.6155 OF 2023

1. Dnyandev Sahadu Bankar **...PETITIONERS**

2. Sau. Jijabai Balu Bankar

VERSUS

1. The State of Maharashtra, **...RESPONDENTS**
Through Its Collector, Ahmednagar

2. Sub-Divisional Officer,
Shrigonda-Parner Division Ahmednagar

3. The Tahasildar, Shrigonda

4. Sandip Balasaheb Korke

5. Sagar Sandip Korke

6. Vaibhav Sandip Korke

7. Vishal Sandip Korke

8. Vilas Balasaheb Korke

9. Sakharam Tukaram Shinde

10. Devram Baburao Vetral

11. Mohan Sukhdev Vetral

Mrs. Manjushri V. Narwade, Advocate for the petitioner
Mrs. Anjali Bajpai Dube, Advocate for respondent Nos. 4 to 8
Mrs. D. S. Jape, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 30th JUNE, 2023

P. C.

1. Heard the parties.
2. After hearing the parties for sometime, it is seen that learned Sub-Divisional Officer had quashed and set aside the order passed by the Tahasildar mainly on the ground that when Tahasildar conducted the spot inspection no notice was given to the respondent and the panchanama was drawn in his absence.
3. On asking a query to the petitioner, she could not answer as to whether notice was given or not.
4. It is pointed out by the respondent that now even civil suit is pending lodged by the respondent bearing RCS No. 68/2021 in the court of learned CJJD, Shrigonda. However, till now no orders are passed by the CJJD, Shrigonda.

5. Looking to the facts, this court finds that the matter can be remanded to the Tahasildar, Shrigonda with direction to draw fresh panchanama by visiting the spot by giving notice to both the respondents and then pass fresh order. Hence, the following order:-

ORDER

- a] The writ petition is partly allowed.
- b] The order passed by the learned Sub-Divisional Officer dated 02-11-2022 in revision application No. 88/2022 is quashed and set aside.
- c] Tahasildar, Shrigonda to pass fresh orders in view of the observations in this order.
- d] Needless to say that order passed by the learned Tahasildar, Shrigonda will be subject to outcome of the civil suit i.e. filed by the respondents.
- e] Tahasildar, Shrigonda shall also keep in mind that civil suit is pending.

[KISHORE C. SANT, J.]