

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

986 WRIT PETITION NO.5073 OF 2022

SADASHIV VYANKATI KADAM
VERSUS

1. THE HONBLE MINISTER,
2. THE DEPUTY COMMISSIONER (SUPPLY),
3. THE DISTRICT SUPPLY OFFICER,
4. THE TAHSILDAR,
5. NAMDEO RAJARAM KADAM,
6. NARHARI MAROTRAO KADAM,
7. UDDHAV TRIMBAK KADAM

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Advocate for Petitioner:
Mr. Avinash Khande h/f. Mr. G. V. Sukale
AGP for Respondent/State: Mr. N. T. Bhagat
Advocate for Respondents No.5 to 7:
Mr. V. V. Jahagirdar

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CORAM : ARUN R. PEDNEKER, J.
DATE : 31st AUGUST, 2023

PER COURT:

1. Heard.

2. Mr. Avinash Khande holding for Mr. G. V. Sukale, learned counsel appearing for the petitioner submits that the order passed by respondent no.2 - the Deputy Commissioner (Supply) was challenged before the Hon'ble Minister and that he was a caveator before the Hon'ble Minister. The order passed by the Deputy

Commissioner (Supply) was in his favour. However, when the matter was listed, he applied for adjournment, as he was not supplied with the copy of the revision petition. According to the petitioner he was granted time and that he was to file his reply later and the matter was adjourned. No next date was intimated to the the petitioner and he was to receive notice of the next date of listing. The learned counsel submits that he never received the copy of the petition. However, he received an order dated 20.04.2022 deciding the revision petition by the Hon'ble Minister and that the revision petition was allowed against the petitioner.

3. The learned counsel for the petitioner further submits that the petitioner was not heard before the Hon'ble Minister and the matter be remitted back to the Hon'ble Minister for the decision on merits.

4. Per contra, Mr. V. V. Jahagirdar, learned counsel appearing for respondents no.5 to 7, who

were the appellants before the Hon'ble Minister submits that the order passed by the Deputy Commissioner (Supply) / Respondent No.2 was without notice to the Original complainants and without making them parties and, as such, they have filed the revision petition before the Hon'ble Minister and that the Deputy Commissioner (Supply) / respondent no.2, ought not to have passed the order without notice to respondents no.5 to 7, who are the original complainants before respondent no.4.

5. Be that as it may, since it is not disputed that the petitioner was not heard before the Hon'ble Minister or that he had applied for adjournment and the matter was not closed for judgment, it is more appropriate that the matter be remitted back to the Hon'ble Minister.

6. In view of the same, the impugned order passed by the Hon'ble Minister dated 20.04.2022 is quashed and set aside. The matter is remitted back to the Hon'ble Minister. The concerned Minister to

decide the same within a period of six (06) months from the appearance of the parties before the Hon'ble Minister. The parties to appear before the concerned Minister on 04.10.2023, so as to enable the Hon'ble Minister to give further dates in the matter.

7. Respondents No.5 to 7 undertakes to supply copy of the appeal memo in the revision petition filed before the Hon'ble Minister. The Revision Petition No.vaiam-1122/ pra.kra.08/ na.pu.21, stands restored to the file of the Hon'ble Minister.

8. The writ petition stands disposed of.

[ARUN R. PEDNEKER, J.]

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