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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

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VASANT ANANDRAO
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Date: 2023.01.07
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WRIT PETITION NO.197 OF 2023

Kaluram D. Saste & Anr.

...Petitioners

V/s.

Eknath N. Jambhulkar & Ors.

...Respondents

Mr.Sanjiv Sawant with Mr.Abhishek Deshmukh and Mr.Digvijay
Palance for the Petitioners.

Mr.Y.D.Patil, AGP for the State – Respondent.

Mrs.Rohini Akhade – Phadtare, Deputy Collector & Rehabilitation
Officer, Pune present in Court.

CORAM : R.D. DHANUKA &

M.M. SATHAYE , JJ.

DATE : 5TH JANUARY, 2023.

P.C. :-

1. The petitioners have prayed for an order and direction against the respondent no.3 to forthwith withdraw the impugned letter dated 19th December, 2022 and directing the learned Tahsildar, Khed to delete the name of the petitioners from the revenue records of the land described in prayer clause (a) of the petition. The petitioners also prayed for a writ of mandamus against the respondent no.5 to forthwith withdraw the impugned letter dated 20th December, 2022.

2. It is the case of the petitioners that the petitioners have

purchased the right, title and interest from the respondent no.1 in respect of the writ property and based on the document of title, their names are also recorded in the revenue entry. The respondent no.3 now proposes to hold a meeting about cancellation of the allotment made in favour of the respondent no.1 which would affect the right, title and interest, if any, of the petitioners.

3. The meeting is proposed to be held today by the respondent no.3. We direct the respondent no.3 to grant personal hearing also to the petitioners before passing any adverse order. Learned AGP on instructions states that the meeting in that event would be held tomorrow at 11:00 a.m. Learned AGP makes a statement that the respondent no.3 will give personal hearing to the petitioners before passing an order. Statement is accepted.

4. The respondent no.3 shall pass an order after hearing the petitioners as well as the respondent no.1, if the respondent no.1 remains present. The order that would be passed by the respondent no.3 shall be communicated to the petitioners as well as to the respondent no.1 within one week from the date of passing such order. If any adverse order is passed against the petitioners or the respondent no.1, no coercive steps shall be taken in pursuance of such order against the petitioners or the respondent no.1 for a period of two weeks from the date of communication of the order. Till the

proceedings are disposed of by the respondent no.3, the petitioners would not create any third party rights in respect of the writ property in favour of any other party. The respondents shall not make any changes in the mutation entry insofar as the writ property is concerned till the issue is decided by the respondent no.3 and for a period of two weeks from the date of communication of the order, if the same is adverse against the petitioners or the respondent no.1.

5. It is made clear that this Court has not expressed any views on the merits of the notice issued by the respondent no.3. All the contentions of the parties are expressly kept open.

6. The writ petition is disposed of in aforesaid terms. There shall be no order as to costs. All parties to act on the authenticated copy of this order.

(M.M. SATHAYE , J.)

(R.D. DHANUKA, J.)