

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.4293 OF 2023
IN
WRIT PETITION NO.5499 OF 2023**

Khan Amina Khantun (Jai Ambe Hardware) (deceased) through Khan Farhan Ahmed Ajaz Ahmed	Applicant
<i>IN THE MATTER BETWEEN</i>	
Khan Amina Khantun (Jai Ambe Hardware) (deceased) through Khan Farhan Ahmed Ajaz Ahmed	Petitioner
Versus	
Tahsildar-2 (Special Cell) and others	Respondents

Ms. Archana P. Gaikwad, Advocate for the Applicant.
Mr. Jagdish G. Aradwad (Reddy), a/w. Abhijit Patil, Advocate for the Respondent No.2-SRA.
Mr. Shahjirao Shinde, Advocate a/w. Kuldeep Pawar, for the Respondent No.3 (AGRC).
Mr. Anil R. Mishra, Advocate a/w. Sneha Dedhiya, for Respondent No.5.

**CORAM : SARANG V. KOTWAL, J.
DATE : 2nd MAY, 2023**

P.C. :

1. This is an application filed by the original Petitioner. Previously this Court had disposed of Civil Writ Petition No.5499/2023 on 17.4.2023. In paragraph-3 of that order, it was directed that the Respondent No.3 (who is the AGRC) shall give notice to the Petitioner as to when her matter will be decided. It was further directed that once such notice was

served, the Respondent No.3 shall decide the Petitioner's Appeal No.78/2023 at the earliest.

2. Now the grievance of the Petitioner is that no official notice was served on the Petitioner though some intimation was given to the Petitioner by the private party i.e. the Respondent No.5. Learned counsel for the Respondents state that intimation was given by the office of the AGRC to the Petitioner. Learned counsel for the Applicant disputes that the intimation sent by the AGRC was served on her client. She submitted that on the date of hearing, the Petitioner's son was present and he was made to sign on that intimation and since he was not aware of the legal ramifications, he put his signature; but, no intimation was given.

3. Instead of getting into this controversy and dispute, the proper way would be to go ahead with the matter by giving sufficient opportunity to both the parties in accordance with the principles of natural justice. Hence, learned counsel for the Respondent No.3 AGRC very fairly submitted, on the instructions of the AGRC Legal Office, that the AGRC shall give

proper notice to both the sides on the next occasion though as of today the matter is closed for orders. This statement is quite fair.

4. In view of this, following order is passed :

:: O R D E R ::

- i. The Respondent No.3 AGRC's office shall now give sufficient and reasonable notice to both the parties of the next date of hearing well in advance.
- ii. Both the parties shall cooperate by appearing on that particular date and both of them shall not seek unnecessary adjournment.
- iii. After hearing the parties afresh, the matter can be proceeded and dealt with by the AGRC.
- iv. All the questions of both the parties are specifically left open.
- v. The AGRC shall decide the Appeal as far as possible within a period of two months from today.
- vi. Interim Application is disposed of accordingly.

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
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(SARANG V. KOTWAL, J.)