

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

WRIT PETITION NO.6260 OF 2023

Manik Ganpat Pawar & Ors.

... Petitioners

V/s.

The State of Maharashtra, Through the Principal
Secretary, Revenue and Forest Department
& Ors.

... Respondents

Mr. Ritvik Joshi for the Petitioners.

Mr. A. P. Vanarse for Respondent Nos.1 to 3.

Mr. Sanjay Asawale, Sub-Divisional Officer, Haveli is present.

**CORAM : Sharmila U. Deshmukh &
Arif S. Doctor, JJ.**

**DATE : May 18, 2023.
[Vacation Court]**

P.C. :

1. By this Writ Petition, the Petitioners seek to quash and set aside the notices-cum-orders issued by the Tahsildar, Haveli Division, Pune dated 20th April 2023, 18th June 2018 and 10th May 2023 in respect of lands bearing Survey No.159, 160/1, 160/2, 167/2/26, 25/29, New Shivane Gaothan, Kothrud, Pune.

2. Learned Counsel appearing for the Petitioners submits that the order of eviction dated 10th May 2023 has been passed without complying with the principles of natural justice, in as much as the

Petitioners were not heard by the Tahsildar. He would further submit that since the year 1978 the Petitioners and/or the Petitioners' predecessors are in occupation of the structures, which are situated on the said land.

3. Learned AGP has tendered the Affidavit-in-reply of Kiran Magan Suravase, Tahsildar, Haveli, District-Pune. The same is taken on record.

4. After arguing for some time, learned AGP, on instructions, submits that in compliance with the procedure prescribed under Section 53(1-A) of the Maharashtra Land Revenue Code, 1966, the Petitioners would be given an opportunity of hearing and appropriate order will be passed. He would further submit that till the fresh decision is taken by Tahsildar after hearing the Petitioners, the impugned notices/orders will not be acted upon by the Tahsildar. He would further submit that the order dated 10th May 2023 may be treated as a show-cause notice to the Petitioners.

5. Learned Counsel appearing for the Petitioners submits that within a period of two weeks from today, the Reply would be filed to the

communication dated 10th May 2023, which is to be now treated as a show-cause notice. The Tahsildar to give a hearing to the Petitioners on 05th June 2023. Let the Tahsildar take a decision after considering the Reply and after hearing the Petitioners on or before 10th June 2023.

6. In view of the above, the Writ Petition is disposed of.

7. It is made clear that the timelines which are fixed by this Court are required to be adhered to by all the parties and no application for adjournment or extension will be sought for by the Petitioners.

(Arif S. Doctor, J.)

(Sharmila U. Deshmukh, J.)