

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

WRIT PETITION NO. 15881 OF 2022

Sanjay Rajaram Sonawane

... Petitioner

Versus

The State of Maharashtra and Ors.

... Respondents

Mr. Suresh Kamble for the Petitioner.

Mr. A.P. Vanarase AGP for the Respondent Nos.1 to 4-State.

**CORAM: R. D. DHANUKA AND
M.M.SATHAYE JJ.**

DATE : 9th JANUARY, 2023

PC. :-

1. Rule. The learned AGP waives service for Respondent Nos. 1 to 4. Rule made returnable forthwith. Heard finally by consent of the parties.

2. By this Petition filed under Article 226 of the Constitution of the India, the Petitioner seeks writ of certiorari for quashing and setting aside communication/ order dated 14.09.2022 passed by Respondent No. 2 (The Dy. Superintendent Land Records, Panvel) in Petitioner's application dated 21.02.2022.

3. It is case of the Petitioner that he had filed application for

entering his name in the record of rights in Revenue record and property extract of writ property described in paragraph no. 8 of the Petition. Authorities were directed to decide Petitioner's application under order of this Court dated 22.04.2022 passed in earlier Writ Petition No. 4892 of 2022 filed by the Petitioner. Petitioner contended that Respondents have disposed of Petitioner's application without giving him any opportunity of hearing and based on erroneous conclusions about evidence on record.

4. Heard learned AGP for the State. He has tendered Affidavit-in-Reply filed on behalf Respondent Nos. 2 and 4. He invited our attention to paragraph no. 5 of the said Affidavit-in-Reply, in which it is stated that Petitioner's application was disposed of vide impugned communication/order dated 14.09.2022. However, as the Petitioner was not given an opportunity of hearing, impugned communication/order dated 14.09.2022 is withdrawn.

5. In view of the specific statement made in the Affidavit-in-Reply filed by Respondent Nos. 2 and 4, prayer clause (a) does not survive, but it is clear that application made by Petitioner to Respondent No. 2 for entering his name in the Revenue record, is restored to the file.

6. In that view of the matter, we pass the following order:-
- a) Respondent No. 2 is directed to give personal hearing to the Petitioner as also opportunity to rely on documents in respect of his case.
 - b) Petitioner is directed to appear before Respondent No. 2 on 16th January 2023 at 11.00 a.m.
 - c) Respondent No.2 is directed to decide the Petitioner's application within four weeks from the date of personal hearing, in accordance with law and without being influenced by the observations made in the impugned communication/ order dated 14.09.2022.
 - d) Respondents to communicate order passed on the Petitioner's application to him within one week from the date of decision.
 - e) Writ Petition is disposed of in the aforesaid terms. No order as to costs.
 - f) All concerned to act on authenticated copy of this order.

[M.M.SATHAYE,J.]

[R. D. DHANUKA, J.]