

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1129 OF 2023

Bhivram Shivilal Nagpure__ Vs. __State of Maharashtra State and ors

AND

WRIT PETITION NO. 1130 OF 2023

Akshay Prabhu Mohane__ Vs. __State of Maharashtra State and ors

AND

WRIT PETITION NO. 1131 OF 2023

Akshay Prabhu Mohane__ Vs. __State of Maharashtra State and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. K.N.Jain, Advocate for petitioners
Mr. N.R.Patil, AGP for Respondent nos.1 to 4

CORAM : AVINASH G. GHAROTE, J.

DATE : 13/03/2023

1] Heard Mr. Jain, learned counsel for the petitioners and Mr. Patil, learned AGP for respondents.

2] In all these matters, the learned AGP upon instructions states that the record available with him does not indicate to whom the notices were sent before the passing of the impugned order, considering which, the contention of Mr. Jain, learned counsel for the petitioners that the notices were sent to the lessee of the ghat will have to be accepted. In view of the further statement that the lessee of the ghat has forwarded the notices to the petitioners on 9.2.2023, which is after passing of the

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impugned order dated 8.2.2023, the lack of opportunity of hearing is manifest, considering which the impugned order is hereby quashed and set aside and the matter is remanded back to the SDO for decision afresh, after affording an opportunity to the petitioners to place the reply on record.

3] The parties shall appear before the SDO on 20.3.2023 at 11 a. m along with their reply and the SDO shall decide the proceedings, within a period of 15 days therefrom.

4] The petitions are accordingly allowed in above terms. No costs.

JUDGE

Rvjalit