



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

Writ Petition (WP) No. 3480 of 2022

Mohammad Majib Mohd. Sadique and others

Versus

Municipal Council, Chandur Bazar through its Chief Officer and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Raheel Mirza, Advocate for the petitioners.

Shri N.R.Saboo Advocate for the respondent nos. 1 and 2.

CORAM : ANIL S. KILOR, J.

DATED : 10th OCTOBER, 2023.

Heard.

2. The application for sub division of plot in question was allowed at the request of the petitioners by the respondent no.2 vide order dated 19th March, 2021. However, without issuing any show cause notice or without granting any opportunity to the petitioners of hearing, such permission was revoked vide impugned order dated 31st March, 2021.

3. Shri Saboo, learned counsel for the respondent-Municipal Council is not disputing the fact that before passing the impugned order dated 31st

March, 2021, passed by the respondent no.2, the hearing was not granted to the petitioners.

4. In that view of the matter, such revocation of grant of permission to sub divide the land, is adverse to the interest of the petitioners, therefore, the Chief Officer, Municipal Council, Amravati ought to have granted an opportunity of hearing to the petitioners.

5. Shri Mirza, learned counsel for the petitioners relies upon Section 51 of the Maharashtra Land Revenue Code, 1966 for the purpose of grant of hearing. Whereas, Shri Saboo, learned counsel for the respondent denied the applicability of Section 51 of the Maharashtra Land Revenue Code, 1966, for the reason that the Chief Officer, Municipal Council, Amravati without any authority or power granted permission for sub division of plot and therefore, Section 51 of the Maharashtra Land Revenue Code, 1966 will not come into the picture.

6. Be that as it may, the fact remains that before revocation of order on any ground, no hearing was granted to the petitioners, which ought to have granted to the petitioners by the respondent no.2, therefore, the matter needs to be remanded back to the respondent no.2 for the said limited purpose. Accordingly, I pass the following order.

- i. The writ petition is partly allowed;
- ii. The order dated 31st March, 2021 passed by the respondent no.2, Municipal Council, Chandur Bazar, District Amravati is hereby quashed and set aside and the matter is remanded back to the respondent no.2, Municipal Council, Chandur Bazar, Dist. Amravati, to decide the same afresh after hearing the petitioners;
- iii. The petitioners shall appear before the Chief Officer, Municipal Council, Chandur Bazar, District Amravati on **16th October, 2023** at 11 am.

[ANIL S. KILOR, J.]