

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13813 OF 2023

Santosh S/o Sadashiv Minde

...Petitioner

Versus

The State of Maharashtra through its Principal
Secretary The Revenue & Forest Department & Ors

...Respondents

Mr. K.N. Shermale, *Advocates for the Petitioner through VC.*

Mr. A.I. Patel, Addl.GP, *a/w M.S. Bane, AGP for Respondent-State.*

Mr. Dnyaneshwar Choudhari, *Revenue Assistant is present in Court.*

CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.
DATE : JANUARY 24, 2024

PC :

1. The above Writ Petition is filed seeking to set aside the impugned order dated 18th September 2023 passed by the Learned Tehsildar, Thane i.e., Respondent No.4 in Kra./Mahsul/K-1/Te-4/Gau.Kh/Kavi-8269/2023. The aforesaid order was passed under Section 48(7) of the Maharashtra Land Revenue Code, 1966. After we heard the parties for some time, and since the grievance made was that the impugned order has been passed without giving an opportunity of hearing to the Petitioner, Mr. Patel, the Learned AGP, on the

instructions of Mr. Choudhari, Revenue Assistant, stated that a fresh show cause notice would be issued to the Petitioner, a personal hearing would be given, and thereafter an appropriate order would be passed.

2. In light of the aforesaid statement made by the Learned AGP, the impugned order dated 18th September 2023, is hereby quashed and set aside. Respondent No.4 shall issue a fresh show cause notice to the Petitioner, grant him a personal hearing and thereafter pass whatever order it deems fit. Since the impugned order is set aside, the vehicle of the Petitioner bearing No. MH-12-QW-8269 shall be released to the Petitioner, on him giving an undertaking to Respondent No.4 that till the outcome of the proceedings before Respondent No.4, he shall not dispose of the said vehicle.

3. The Writ Petition is disposed of in the aforesaid terms. However, there shall be no order as to costs.

4. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]