

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

WRIT PETITION NO. 1197 OF 2024

Madhukar Maruti Jagtap ... Petitioner

versus

The State of Maharashtra and Others ... Respondents

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Mr.Ajay A.Joshi for the Petitioner.

Ms.R.A.Salunkhe, AGP for Respondent Nos. 1 and 2-State.

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**CORAM : NITIN JAMDAR, AND
M.M. SATHAYE, JJ.**

DATE : 09 February 2024.

P.C. :

Heard the learned Counsel for the parties.

2. The Petitioner has challenged the order/ notice dated 14 December 2023 issued by Respondent No.3- the Sub Divisional Officer directing the Petitioner to redeposit the amount of compensation which is disbursed to the Petitioner. It appears from the notice that Respondent No.4 has made a complaint in respect of three Gat numbers. The occupants had made request for expedited measurement and with connivance of the Deputy Instructor of Land Records, the amount of compensation was decided. The Petitioner contends that a copy of the complaint is not given and without any opportunity, the order is passed.

3. We proceed on the basis that the Sub Divisional Officer would be aware of basic position of law that for such, a prior notice or an opportunity needs to be given. The prior notice and the opportunity was not given by the Sub Divisional Officer out of sheer ignorance on the legal position and for some other reason. Therefore, we direct that Respondent No.2- the Collector, Solapur will call for papers of the case from Respondent No.3 and examine merits of the complaint filed by Respondent No.4 as allegation is also made against the Revenue Authorities.

4. The learned AGP assures the Court that the Collector, Solapur will look into the issue and file an affidavit either through himself or vetted by the Collector.

5. Stand over to **14 March 2024**.

6. Till the affidavit is so filed, the Collector will issue necessary instructions to the Sub Divisional Officer to defer the action of recovery.

7. In the meanwhile, the Petitioner will give notice to Respondent No. 4 and file affidavit of service.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)