



4558-2023

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**WRIT PETITION NO. 4558 OF 2023**

**(Poonam w/o Mahendra Patil & Ors. Vs. Sub-Divisional Officer, Buldhana & Ors.)**

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

Court's or Judge's orders.

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Shri C.S. Kaptan, Senior Counsel with Shri Rahul  
Kalangiware, Counsel for the petitioners.  
Ms S.N. Thakur, A.G.P. for respondent no.1.

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**CORAM : ANIL L. PANSARE, J.**  
**SEPTEMBER 23, 2024**

The grievance is that the Sub-Divisional  
Officer, Sindhkhedraja, District – Buldhana, has passed  
order dated 9/3/2023 in Revenue Case No. P.F.G./  
Sakharkherda/4/2022-23, without giving opportunity of  
hearing to the petitioners.

2] The subject matter is the land bearing  
Survey No. 905, admeasuring 0.66 H.R. Petitioner nos. 4  
to 6 have sold their undivided share to petitioner nos. 1  
to 3. Respondent nos. 2 to 4, who are/were minor, had  
filed application through guardian before the Sub-  
Divisional Officer, Sindhkhedraja, alleging that the sale-  
deed is void, as it violates the provisions of  
fragmentation.

3] The learned Senior Counsel for the  
petitioners has invited my attention to Roznama dated  
27/2/2023 and 9/3/2023, which indicate that on  
27/2/2023, the application was filed. Report of Talathi

was called and the matter was adjourned for orders. On 9/3/2023, the impugned order was passed.

4] Thus, it is abundantly clear that the Sub-Divisional Officer, Sindhkhedraja, has given no opportunity of hearing to the petitioners.

5] The learned A.G.P has made an attempt to justify the order, however, was required to concede that opportunity of hearing was not given to the petitioners.

6] In view thereof, the impugned order is liable to be set aside.

7] Accordingly, order dated 9/3/2023 passed by the Sub-Divisional Officer, Sindhkhedraja, in Revenue Case No. P.F.G./ Sakharkherda/4/ 2022-23, is quashed and set aside. The matter is remanded back to the Sub-Divisional Officer, Sindhkhedraja, to decide it afresh and in accordance with law, which includes giving opportunity of hearing to the petitioners. Revenue Case No. P.F.G./ Sakharkherda/4/2022-23 is restored on the file of the Sub-Divisional Officer, Sindhkhedraja.

8] The parties shall appear before the Sub-Divisional Officer, Sindhkhedraja, on 14/10/2024.

9] The petition is disposed of.

**(ANIL L. PANSARE, J.)**

Sumit