



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

WRIT PETITION NO. 1965/2024

Imamkhan Amirkhan
Vs.
The State of Maharashtra, Through its Secretary, Revenue and Forest
Department and another

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. V.B. Bhise, Advocate for petitioner
Mrs. Mrunal Naik, AGP for Respondent Nos.1 and 2

CORAM: BHARAT P. DESHPANDE, J.

DATED : 21st MARCH, 2024

In this petition, the order dated 27/02/2024 is under challenge on the ground that the attachment of two items from the petitioner vide panchanama dated 31/01/2024 is without jurisdiction and secondly that the matter pending before the Tahsildar was decided on 27/02/2024, without giving any opportunity to the petitioner.

2. The learned counsel for the petitioner would submit that the first item i.e. metal stone (Gitti) is actually a finished product as held in **Bansilal s/o Lunkaranji Chandak Vs. State of Maharashtra** reported in 2019(4) ALL MR 249. He further submits that the notice was received by the petitioner for appearance before the Tahsildar for

appearance on 26/02/2024. However, on that day, when the petitioner was went to the office, there was a board / notice that all revenue cases fixed on 26/02/2024, are adjourned and fixed on 01/03/2024 at 11:00 AM. Inspite of this notice, the case of the petitioner was taken up on 27/02/2024 and thereafter marking the petitioner absent, the order was passed.

3. Issue notice to the respondents, returnable on 10/04/2024.

4. Mrs. Naik, learned Assistant Government Pleader waives notice for both the respondents.

5. The respondents to file reply within a period of two weeks.

6. In the meantime, the impugned order is stayed as per prayer clause 'c' till the next date.

(BHARAT P. DESHPANDE, J.)