



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9451 OF 2017

Vasudeo s/o Dagdu Dhage
age 64 years, occ. Agriculture
r/o At Post Chinchpur (Dhage)
Tq. Bhoom, Dist. Osmanabad.

.. Petitioner

versus

1. The State of Maharashtra
Through its Principal Secretary
Revenue & Forest Department
Mantralaya, Mumbai 32.
2. The Deputy Director of Land Record
Aurangabad Division, Aurangabad.
3. The Superintendent of Land Record
Osmanabad, Dist. Osmanabad.
4. The Taluka Inspector of Land Record
Bhoom, Tq. Bhoom, Dist. Osmanabad
5. Madan s/o Namdeo Dhage
(Deceased through LRs)
- 5-A Manoj s/o Madan Dhage
age 45 years, occ. Agril.
r/o Chinchpur (Dhage) Tq. Bhoom
Dist. Osmanabad.
- 5-B Prasad s/o Madan Dhage
age 42 years, occ. Agril,
r/o Chinchpur (Dhage), Tq. Bhoom
Dist. Osmanabad.
- 5-C Mangesh s/o Madan Dhage
age 39 years, occ. Agril,
r/o Chinchpur (Dhage), Tq. Bhoom

Dist. Osmanabad.

5-D Prabhavati w/o Madan Dhage
(Deceased through LRs)

5-D-1 Manoj s/o Madan Dhage
age 51 years, occ. Agril.

5-D-2 Prashant s/o Madan Dhage
age 59 years, occ. Agril.

5-D-3 Vivek s/o Madan Dhage
age 50 years, occ. Agril

All 5-D-1 to 5-D-3 r/o Chinchpur-Dhage
Tq. Bhoom, Dist. Osmanabad.

6. Pandurang s/o Mandeo Dhage
age 62 years, occ. Agril,
r/o Chinchpur (Dhage), Tq. Bhoom
Dist. Osmanabad.

.. Respondents

Mr. D. B. Pawar, Advocate for the Petitioner.

Mrs. Kalpalata Patil Bharaswadkar, AGP for the State.

Mr. S. Y. Mahajan, Advocate for Respondent Nos. 5(A) to 5-D-3 and 6.

CORAM : KISHORE C. SANT, J.

DATE : 6th NOVEMBER, 2025.

ORAL JUDGMENT :

1. Heard learned Advocates for both the parties.

2. By consent of the parties, Rule. Rule made returnable
forthwith.

3. Challenge in this Petition is to the order passed by the learned Minister (Revenue) dated 23.07.2014 allowing the revision filed by Respondent Nos. 5 and 6. Respondent No. 5 is now represented by Respondent Nos. 5A to 5C. Respondent No. 5D is now represented by Respondent Nos. 5-D-1 to 5-D-3.

4. The proceeding started with a letter by the Superintendent of Land Record, Bhoom, who was holding charge of the office of TILR, Bhoom. Being incharge of the office of TILR, Bhoom, he himself issued a letter addressed to TILR, Bhoom, to re-open the case and to conduct enquiry to correct the revenue record. The Superintendent of Land Record, Osmanabad carried out corrections pursuant to the enquiry and cancelled the mutation entries against which the Petitioner approached the Deputy Director of Land Record. The Deputy Director Land Record allowed the Appeal by judgment and order dated 31.05.2008. Respondents, therefore, approached the learned Minister by filing revision. The learned Minister allowed the revision against which, the Petitioner has now approached this Court.

5. Learned Advocate for the Petitioner has vehemently argued that in the proceeding before the Minister, he had engaged a Lawyer. The matter was at the stage of argument. On 21.11.2012, a request was made by the Petitioner for an adjournment. By inviting attention of this Court to the copy of Roznama, he submits that though the matter was adjourned, no specific date was given. The date was independently to be communicated. However, without any intimation of the next date, the Minister decided the revision. Even copy of the judgment was not immediately sent to the Petitioner. It is only after getting knowledge almost after three years, he applied for certified copy. He came to know about the judgment and order in the year 2017 and thereafter immediately he approached this Court. Learned Advocate for Petitioner submits that there is, thus, violation of principles of natural justice. Since no intimation of the next date was given, a great prejudice is caused. The matters requires to be remanded.

6. Learned Advocate Mr. Mahajan vehemently opposed the Petition. He submits that the Petitioner had very much appeared in the proceeding before the Minister. Intimation of the next date was given however, inspite of the intimation, the Petitioner did not appear.

The Minister had no option but to decide the matter. He submits that even intimation of the judgment was immediately sent. It is the Petitioner who did not take immediate steps and approached this Court after three years. The Petition suffers from delay and laches and this Court need not entertain the Petition. On merits, he submits that the authorities have proceeded on the basis of findings recorded by the Civil Court in a proceeding filed by the Petitioner himself and therefore, no fault can be found with the authorities. He prays for dismissal of the Petition.

7. Learned AGP also vehemently opposes the Petition. She submits that the intimation of hearing was given. The Petitioner was represented by a Lawyer. It was for him to appear before the Minister. For failure on the part of the Petitioner, he cannot find fault in the Minister's order under the pretext of violation of principles of natural justice. She submits that there is no violation of principles of natural justice.

8. This Court has considered the submissions. During the course of hearing, learned Advocate for the Petitioner relied upon judgment reported in **(2003) 7 Supreme Court Cases 492** in the

case of Sohan Lal Gupta (Dead) through LRs and Others vs. Asha Devi Gupta (Smt.) and others. The Hon'ble Apex Court in the said case has considered as to what constitutes a reasonable opportunity and has laid down conditions which are required to be observed. Paragraph No. 23 of the judgment reads as below :-

“23. For constituting a reasonable opportunity, the following conditions are required to be observed :

- 1. Each party must have notice that the hearing is to take place.*
- 2. Each party must have a reasonable opportunity to be present at the hearing, together with his advisers and witnesses.*
- 3. Each party must have the opportunity to be present throughout the hearing.*
- 4. Each party must have a reasonable opportunity to present evidence and argument in support of his own case.*
- 5. Each party must have a reasonable opportunity to test his opponent's case by cross-examining his witnesses, presenting rebutting evidence and addressing oral argument.*
- 6. The hearing must, unless the contrary is expressly agreed, be the occasion on which the parties present the whole of their evidence and argument.*

This Court, therefore, has to see as to whether keeping in view the above judgment, a case is made out in the present Petition to infer that no reasonable opportunity was given to the Petitioner.

9. From the grounds in the Petition, it is seen that no opportunity is given to the Petitioner. There is nothing in the Petition to show that notice dated 26.06.2014 was not received by the Petitioner. It is only stated that no opportunity was given. A specific averment of non-receipt of notice of hearing is absent. So far as delay and laches is concerned, there is only an averment that on 02.04.2017, the Petitioner came to know about the impugned order and thereafter he obtained certified copies of the order. This Court finds that even on this ground no case is made out.

10. So far as merits of the Petition is concerned, it is seen that the Minister has specifically considered that a suit bearing RCS No. 148/1990 was filed against the Petitioner. The said suit was decreed and appeal bearing Civil Appeal No. 349/1994 filed by the Petitioner came to be dismissed by judgment and order dated 17.07.2001. It is thereafter the mutation entries were corrected. The

learned Minister, thus, concluded that the TILR had rightly passed the order.

11. This Court even called for the record from the office of the Minister. From the said record, it is seen that intimation of the dates were given to the Petitioner. On 01.07.2014, it is recorded in the Ronama that the Respondent (present Petitioner) continuously remained absent and therefore the matter was closed for order. Even after judgment was delivered, intimation was sent on 25.07.2014.

12. Considering the judgment in case of Sohan Lal (supra), this Court finds that no specific case is made out showing that no proper opportunity was given to the Petitioner.

13. This Court, thus, finds that there is no substance in the contention of the Petitioner that no intimation was given to him. Even on considering merits of the case, this Court finds that no case is made for causing interference at the hands of this Court. The Petition deserves to be dismissed and the same is accordingly dismissed. Rule discharged. No order as to costs. Record and proceeding be sent back.

14. In view of dismissal of the Petition, pending Application, if any, does not survive and stands disposed of.

(KISHORE C. SANT)
Judge

dyb