



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

914 WRIT PETITION NO. 2124 OF 2016

Balasaheb Keshavrao Dhaigude

...Petitioner

VERSUS

The State Of Maharashtra And Others

.....Respondents

Mr. H.P. Jadhav, Advocate for the Petitioner

Mrs. M.L. Sangit, AGP for State

Mr. S.R. Shirsat, Advocate for respondent No. 21

Mr. D.B. Pawar, Advocate for respondent No. 5 to 20

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CORAM : MANJUSHA DESHPANDE, J.

DATE : 6th MARCH, 2025

ORDER :

1. By way of present writ petition, petitioner is challenging the judgment and order dated 25.04.2014 passed by Deputy Commissioner, Aurangabad Division, Aurangabad in Case No. ROR/Rev./68/2012, thereby dismissing the revision petition filed by the petitioner.

2. It is the contention of the petitioner that he has filed complaint on 26.03.1999 before Tahsildar, Ambejogai contending that he and his father are in possession of Survey No. 371, admeasuring 4 Acre, Jayanti Nagar, Ambejogai since long and are cultivating the land. One Tulshiram and Narayan by taking

undue advantage of his father's medical condition, on the basis of a compromise got sanctioned mutation entry No. 6894. Tahsildar, Ambejogai called spot panchnama from the Circle Officer and statements of adjoining land holders. On the basis of the report has passed order on 25.04.2000. The challenge of petitioner before Sub Divisional Officer could not be sustained and therefore, he filed appeal before Additional Collector, Ambejogai, which is rejected and order passed by Tahsildar was confirmed. Thereafter, he filed revision before the Deputy Commissioner, Aurangabad Division Aurangabad, which is also rejected, which is under challenge in the present writ petition. The revision is decided on 25.04.2015 in the absence of petitioner. Therefore, he submits that great prejudice has been caused to him as opportunity of hearing has been denied to him. In the opening para of judgment, Deputy Commissioner has observed as under:-

"After preliminary scrutiny the notices were issued and duly served upon both the parties, accordingly the advocates for the petitioner as well as respondents were appeared before this Court. But on the date of final hearing the advocate for petitioner remained absent and not argued the case though sufficient opportunity of hearing was given to him."

3. From the judgment of Deputy Commissioner it is

evident that petitioner was not heard before passing the impugned order. Considering that substantial rights of the petitioner are involved in the matter and he had filed the Revision, the Deputy Commissioner should not have passed order by relying on papers which were produced before him. The petitioner has been deprived of his right of audience. The Deputy Commissioner has failed to adhere to principles of natural justice while passing the impugned order. As a result, great prejudice has been caused to the petitioner, as the Revision filed by him has been dismissed.

4. Learned advocates for the respondents have taken exception for entertaining the present writ petition on the ground that petitioner has remedy of second revision in view of judgment in the case of ***Gurudassingh Nawoosingh Panjwani vs. State of Maharashtra & Others***, (2016) SCC 213.

5. However, considering that principles of natural justice were not followed by Deputy Commissioner while passing the impugned order and the Revision is dismissed on merits, the petitioner is deprived of his right of being heard, on that ground alone the impugned order deserves to be quashed and set aside.

6. The writ petition is therefore allowed.
7. Judgment and order dated 25.04.2014 passed by Deputy Commissioner, Aurangabad Division, Aurangabad in Case No. ROR/Rev./68/2012 is hereby quashed and set aside by remanding the matter back to Deputy Commissioner, Aurangabad Division, Aurangabad.
8. The Deputy Commissioner, Aurangabad Division, Aurangabad shall issue notices to the parties and after hearing the respective parties, decide the Revision Application as expeditiously as possible.
9. The matter is pending since 2016 and it was not pursued by the petitioner diligently. Therefore, some cost needs to be imposed on the petitioner for not pursuing the matter diligently. The petitioner shall pay cost of Rs. 5,000/- to High Court Bar Library, Aurangabad, within three weeks from today.
10. Writ petition stands disposed of.

(MANJUSHA DESHPANDE, J.)