



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

949 WRIT PETITION NO. 969 OF 2024

SATISH BHALCHANDRA RENGE
VERSUS
SUNIL EKNATH PATIL AND OTHERS

Mr. V. S. Bedre, Advocate for the Petitioner
Mr. V. M. Chate, AGP for the Respondent/State
Mr. R. V. Gore, Advocate for Respondent No.1.

CORAM : R. M. JOSHI, J.

DATE : 9th SEPTEMBER, 2025

P.C. :-

1. This Petition takes exception to the impugned order dated 30/05/2023 passed in Revision No. 34/2022 solely on the ground that the Petitioner/original Applicant was not heard before the passing of the order.

2. There is no dispute about the fact that the Petitioner had filed caveat before the Sub Divisional Office, Bhusawal in Revision No. 34/2022. In spite of the said admitted fact, it is sought to be contended on behalf of the Petitioner that he was never made to know the date of hearing before the authority and which has resulted into passing of the order in his absence.

3. Learned Counsel for the Petitioner submits that solely on this ground the order impugned deserves to be set aside.

4. Learned Counsel for the contesting Respondent sought to argue the merits of the case by pointing out the statement recorded of the Respondent on 15/03/2022. This according to him indicates that the proceeding filed by him was barred by limitation and therefore, was rightly interfered with in revision.

5. Learned AGP has drawn attention of the Court to the affidavit-in-reply filed on record indicating that the notice was duly served upon the Petitioner i.e. original Respondent and that he has chosen not to cause his appearance.

6. In order to decide the said controversy the original proceeding of Revision No. 34/2022 was called for the perusal. Record indicates that though the notice was issued, there is nothing to show that it was served on the date of hearing was over communicated to the Petitioner. The Petitioner has made statement on oath to the effect that he was not heard before the passing of the impugned order. Unless it is shown otherwise, this Court finds no reason not to accept the said contention of Petitioner.

7. Since the order has been passed without giving opportunity of hearing to the Petitioner, on that count itself the same deserves to be set aside and accordingly stands set aside. The proceedings of Revision No. 34/2022 is relegated back to the Sub-Divisional Officer, Bhusawal

for decision afresh. Parties are directed to cause appearance on 30th September, 2025. The authority is not required to issue fresh notice to the parties. If the parties remain absent on that date, it is open for the authority to proceed ex-parte against them.

(R. M. JOSHI, J.)

ssp