

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12483 OF 2018

Uttan Dhondi @ Dhondiba Mane.

...Petitioner.

Versus

The SLA Officer, Satara and Others.

...Respondents.

Mr. G. T. Jadhav for the Petitioner.

Mr. R. P. Kadam, AGP for the Respondent-State.

**Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.**

Date : November 13, 2025.

Oral Order (Per Ajit B.Kadethankar, J.) :

1. Heard Mr. Jadhav, learned Counsel for the Petitioner. Mr. Jadhav, learned Counsel for the Petitioner would refer to the order dated 14th March 2018 passed by the Division Bench of this Court in Writ Petition No.13898 of 2016. It seems that issue was taken up by the Petitioner in respect of the deletion of his property from acquisition.

2. In paragraph nos.4 and 5 of the said order this Court has observed thus :

"4. The learned AGP after taking instructions from his client makes a statement that Petitioner to remain present before Additional Divisional commissioner, Pune on 26.3.2018 for fixing date of hearing.

5. It is made clear that Additional Divisional Commissioner to decide Appeal No. 67 of 2008 on its own merits."

3. Thus, it was clear that the matter was to be heard to decide Appeal No. 67 of 2008 on its own merits. It is also pertinent to note that learned AGP then appearing for the Respondent-Additional Divisional Commissioner has made statement before this Court whereby the Petitioner was expected to remain present before the Additional Divisional Commissioner on a given date.

4. Learned Counsel for the Petitioner submitted that pursuant to the said order, Petitioner appeared before the learned Additional Divisional Commissioner, Pune. However, on 18th July 2018, the learned Additional Divisional Commissioner, Pune passed an order thereby the proceeding initiated by the Petitioner pursuant to the order passed by this Court was simply removed from board for want of jurisdiction. For convenience, the relevant portion of the order dated 18th July 2018 is reproduced below :

"आदेश

१. निकालपत्रात नमूद केलेल्या कारणास्तव अर्जदार यांचा अर्ज अधिकारीता नसलेने विनाकार्यवाही काढून (Remove from Board) टाकण्यात येत आहे.
२. खर्चाबाबत आदेश नाहीत.
३. सदर निर्णयाची समज सर्व संबंधितांना देण्यात यावी."

5. Despite there being specific order of this Court, the learned Additional Divisional Commissioner, Pune has observed that he had no jurisdiction to deal with the matter. In any event, as a result of

removing the matter from board, it renders the Petitioner remediless. In view of this and in the light of order passed by this Court on 14th March 2018, we deem it appropriate to direct the learned Additional Divisional Commissioner, Pune to hear the Petitioner and decide the appeal on its own merits, as has been directed by this Court vide order dated 14th March 2018.

6. In view of this, we direct the learned Additional Divisional Commissioner, Pune to dispose of/adjudicate the Appeal No. 67 of 2008 on its own merits within a period of 16 weeks from the date of receipt of a copy of this order.

7. The Petitioner is at liberty to submit such additional documents as may be relevant and necessary. Learned Additional Divisional Commissioner, Pune shall take into consideration all the relevant documents and records pertaining to the case.

8. All contentions of the parties are kept open.

9. With this, writ petition stands disposed of in above terms.

10. Mr. Kadam, learned AGP to communicate this order to the office of learned Additional Divisional Commissioner, Pune.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]