

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 18823 OF 2024

Michael Bastaav Disa

... **Petitioner**

Versus

Ganpat R Choghla And Ors

... **Respondents**

Mr. Aseem Naphade *i/b Mr. Samir Suryawanshi & Ms. Bhakti Wast for the Petitioner.*

Mr. Drupad B. Patil *for the Respondent.*

Mrs. Vaishali S. Nimbalkar, *AGP for Respondent-State.*

CORAM : SANDEEP V. MARNE, J.

DATE : 9 MAY 2025.

P.C. :

1) The Petition challenges order dated 9 October 2024 passed by the Hon'ble Minister (Revenue) allowing Revision Application filed by the First Respondent and setting aside order dated 6 July 2018 passed by the Additional Commissioner, Konkan Division.

2) The main complaint of the Petitioner is that he has not been given proper opportunity of hearing at the time of decision of the revision by the Hon'ble Minister. It is contended that the Petitioner was never served with copy of the revision. The revision was apparently fixed for hearing on 21 December 2020 when

appearance was made on behalf of the Petitioner. Thereafter, no dates of hearing were fixed in the revision for next four long years. When revision was fixed on 15 July 2024 the Petitioner had appeared but complained that he did not receive copy of the revision. Hearing of the revision was adjourned to 12 August 2024. Rojnama of 12 August 2024 would indicate that Respondent No.1 was absent but the Petitioner was present for hearing. It is the contention of the Petitioner that no hearing took place on 12 August 2024 on account of absence the first Respondent. However the revision is apparently decided in favour of Respondent No.1 by order dated 9 October 2024. Perusal of the order dated 9 October 2024 would indicate that Respondent No.1 had filed written submissions and the Petitioner did not present any arguments during the course of hearing. If the Respondent No.1 was not present on 12 August 2024 it is inconceivable that any hearing could have been conducted and oral submissions could have been advanced on behalf of Petitioner. Therefore the Hon'ble Minister has erroneously recorded that Petitioner did not present his arguments despite grant of opportunity. It is also not clear from Rojnama as to when Respondent No.1 filed his written submissions. It is the case of the Petitioner that copy of written submissions filed by Respondent No.1 was not served on him.

3) In my view, therefore, Petitioner has not received adequate opportunity of hearing before the Hon'ble Minister. In that view of the matter, the proceedings deserve to be remanded to the Hon'ble Minister for fresh decision of the revision. In order to effectively defend the Revision, copy therefore is supplied by the Respondent to the learned counsel appearing for the Petitioner.

4) Consequently order dated 9 October 2024 passed by the Hon'ble Minister is set aside. Revision preferred by Respondent No.1 shall stand restored on the file of the Hon'ble Minister (Revenue) who shall proceed to decide the same on its own merits without being influenced by findings recorded in the order dated 9 October 2024. Parties shall appear before the Hon'ble Minister on 27 May 2025 and shall obtain further directions for fixation of date(s) of hearing in the revision application. All contentions of parties on merits are expressly kept open.

5) With the above directions, the Writ Petition is **disposed of**.

[SANDEEP V. MARNE, J.]