



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 587 of 2025

radip @ Prakash Krishnarao Deshmukh and ors. ..vs.. Sub Divisional Officer, Ralegaon,
Tah. Ralegaon, Dist. Yavatmal and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. L. Khapre, Senior Advocate assisted by Mr. S. S. Deshpande,
Advocate for the petitioners
Ms. P. C. Bawankule, AGP for the State/respondents

CORAM : ANIL L. PANSARE J.

DATED : 12-06-2025

Heard.

2. On 3-2-2025, following order was passed.

“Heard.

The petitioners holds agricultural land in Ralegaon and surrounding area. The grievance is that respondent no. 1, without issuing notice to the petitioners, has granted injunction against the petitioners to not alienate the property until the enquiry about surplus land is concluded. The respondent no. 1 has further directed Tahsildar to take note of the order of injunction in the revenue record.

*Learned Senior Counsel submits that the respondent no. 1 does not have power to grant such injunction. In support, he has relied upon judgment of Hon'ble Supreme Court in the case of **Rikhabsoo Nathusao Jain Vs. Corporation of the City of Nagpur and others [(2009)1 SCC 240]**.*

Issue notice on petition as well as on interim relief, returnable in two weeks.

Learned Assistant Government Pleader waives notice for respondent nos. 1 to 3.”

As could be seen, the grievance of the petitioners was that without issuing notice to them, respondent no. 1 has granted

injunction directing the petitioners to not alienate the property until the enquiry about surplus land is concluded.

3. Learned Assistant Government Pleader failed to show that opportunity of hearing was given to the petitioners before passing impugned order. In view thereof, the order impugned is unsustainable having been passed in breach of principles of natural justice. The petition is partly allowed. Order dated 24-1-2025 passed by respondent no. 1 - Sub Divisional Officer, Ralegaon, Tahsil Ralegaon, District Yavatmal in Case No. A.KA./PRASTU.1/KV/30/2005 is quashed and set aside.

4. The case is remanded back to respondent no. 1 for decision afresh. Respondent no. 1 shall hear the petitioners before passing any interim order.

5. The petitioners shall appear before respondent no. 1 on 25-6-2025.

6. All questions are kept open.

7. Writ petition is disposed of in above terms.

Civil Application (CAW) No. 923/2025

8. In view of disposal of writ petition, civil application is disposed of. All the points raised in this application can be raised before the authority.

(Anil L. Pansare, J.)