



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.585/2025

Horli Sukar Sao .Vs. The Additional Collector, Chandrapur 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. A. R. Ingole, Advocate for petitioner.

Mrs. M. S. Naik, A.G.P for respondent Nos. 1 to 4.

CORAM : ANIL L. PANSARE, J.

DATE : MARCH 5, 2025

On 03.02.2025, following order was passed.

"Heard.

The contention is that respondent no. 2, without giving opportunity of hearing, imposed penalty under Section 48(8)(1) of the Maharashtra Land Revenue Code, 1966.

Learned Assistant Government Pleader has invited my attention to the impugned order. It indicates that two notices were issued to the petitioner but he did not appear.

Learned counsel for the petitioner submits that these notices were never served on the petitioner.

On the strength of the aforesaid submissions, issue notice to the respondents, made returnable in two weeks.

Learned Assistant Government Pleader waives notice for the respondents. She shall take instructions as to whether notices issued were served on petitioner and/or were not served at all."

2. In response, learned A.G.P, on instructions, submits that as per record, notices were issued to the petitioner. However, there is no record as regards service of notice. Thus, the question, whether the notices were served on the petitioner, is not answered. Respondent No.2, does not possess the record of service of notice. That being so, the purpose of filing petition will be served if the petitioner is afforded opportunity of hearing by respondent No.2.

3. So far as prayer of release of vehicle is concerned, I am informed that the relief has been granted by this Court in Criminal

Writ Petition No.583/2024. Thus what remains is challenge to imposition of penalty by the Sub Divisional Officer. For that purpose, the petitioner should get opportunity of hearing.

4. In view of above, impugned order dated 16.12.2024 passed by respondent No.2 is quashed and set aside. The inquiry is remanded back to respondent No.2 for consideration afresh, in accordance with law.

The petitioner shall appear before respondent No.2 on 10.03.2025.

The writ petition is disposed of. No order as to costs.

(Anil L. Pansare, J.)

Kahale