



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

WRIT PETITION NO. 828 OF 2025

Pravin S/o Kisan Pradhan
..VS..
The Collector, Akola and two others

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

Court's or Judge's orders

Mr. S. D. Chopde, Advocate for petitioner.
Mr. I. J. Damle, Assistant Government Pleader for respondent Nos.1 and 2.

CORAM : ALOK ARADHE, C.J. AND
A. S. CHANDURKAR, J.

DATE : 14th FEBRUARY, 2025

PC.:

1. In this petition, the petitioner seeks quashing and setting aside the communication dated 07.02.2025 issued by Tahsildar, Barshitakli – respondent No.2 and also a direction not to take any action against the petitioner.

2. Facts giving rise to filing of this petition briefly stated are that the petitioner claims to be the owner and in possession of property No.154, situated at village Mahagaon, Tahsil Barshitakli, District Akola. According to the petitioner, the aforesaid property belongs to his father and the same has devolved unto him by way of succession. In pursuance of direction dated 04th February, 2025, passed by a Division Bench of this Court in Criminal Writ Petition No.681/2016, a communication dated 07th February, 2025 has been issued to the

petitioner, by which, he is sought to be dispossessed from the property in question. Hence this petition.

3. Learned Counsel for the petitioner submits that in compliance of the aforesaid notice dated 07th February, 2025, the petitioner has submitted an application. Learned Counsel for the petitioner submitted that the petitioner is the owner and in possession of the property in question and therefore, he cannot be dispossessed from the property in his occupation. It is further submitted that in response to the aforesaid notice dated 07th February, 2024, the petitioner submitted a detailed application before the Tahsildar, which is pending for adjudication.

4. On the other hand, learned Counsel for the respondents fairly submits that respondent No.2 before proceeding to take any action against the petitioner shall give him an opportunity of hearing and shall adjudicate the rights of the petitioner in respect of land and only thereafter, shall proceed to take an action against him.

5. We have considered the rival submissions and perused the documents on record. The right to hold the property is a constitutional right granted under Article 300A of the Constitution of India. The impugned notice has been issued to the petitioner in compliance of the directions dated 04th February, 2025 issued by a Division Bench of this Court in Criminal Writ Petition No.681/2016. The petitioner claims to be the owner and in possession of the property in question.

Therefore, in the peculiar facts and circumstance of the case, we deem it appropriate to direct the respondent No.2 – Tahsildar, Barshitakli, District Akola to hear and decide the objection, if any, of the petitioner by a speaking order. Needless to state that only after affording an opportunity of hearing and after deciding the objection which has been preferred by the petitioner, it will be open to respondent No.2 to proceed against the petitioner in accordance with law.

6. With the above observations and directions, the Writ Petition is disposed of.

(A. S. CHANDURKAR, J.)

(CHIEF JUSTICE)