



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

WRIT PETITION NO. 1721 OF 2025

THE SAKHARKHEDA EDUCATION SOCIETY, SINDKHED RAJA, BULDHANA, THR. SECRETARY

...Vs...

THE STATE OF MAHARASHTRA, THR. PRINCIPAL SECRETARY, REVENUE AND FOREST DEPT., MUMBAI AND ORS.

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Shri A.B.Patil, Advocate for petitioner.
Ms. T.H.Khan, AGP. for respondents/State.
Shri Raghav Bhandakkar, Advocate h/f. Shri R.S.Kalangiware, Advocate for Intervenor.

CORAM: ANIL S. KILOR AND
RAJNISH R. VYAS, JJ.

DATED : 14th NOVEMBER, 2025.

The challenge raised in the present petition is to the order dated 30/01/2025 passed by the respondent no. 2 – Collector, Buldhana as regards the land claimed to be in possession of the petitioner and of which, the lease was expired and inadvertently, the petitioner failed to renew the lease, which resulted into removal of name of the petitioner from the revenue record as an occupant vide impugned communication. The said communication is challenged on the various grounds including the ground that, without hearing the petitioner and in violation of principles of natural justice, impugned order came to be passed.

2. It is argued that, the petitioner is in possession of the land in question from last 50 years i.e. from 1975 and therefore, the Collector ought to have issued notices before passing such order.

3. The learned AGP appearing for the State/Collector is not disputing the fact that, the hearing was not granted, however, she opposed the petition and submits that, once the petitioner admitted the fact that, the lease was expired and he did not renew it, in view of such admitted position, there is no reason to grant hearing before passing such order. She, therefore, pressed for dismissal of the present petition.

4. We do not find favour with the submissions made by the learned AGP, for the reason that undisputedly a lease had been granted in favour of the petitioner – Society and petitioner is in possession of the same since the year 1975. In that view of the matter, the principles of natural justice required that, before passing any adverse order against the petitioner, an opportunity of hearing should be granted, which the Collector failed to do.

5. In the circumstances, we are of the view that, since the petitioner succeeds on this ground, there is no need to go into the other grounds at this stage, as we are intending to remand the matter back to the Collector to hear the petitioner and take a decision afresh after granting an opportunity of hearing to the petitioner. Accordingly, the petition is **partly allowed**.

6. The order dated 30/01/2025 passed by the respondent no. 2 - Collector, Buldhana is hereby quashed and set aside and the matter is remanded back to the Collector to grant an opportunity of hearing to the

petitioner and take a decision afresh. All the points are kept open.

7. The petitioner shall appear before the Collector, Buldhana on 27/11/2025 at 11.00 a.m. along with a copy of this order.

8. Accordingly, the petition stands **disposed of**.

CIVIL APPLICATION (CAW) NO. 1006 OF 2025

9. The present application for intervention is **rejected** with a liberty to the applicant to apply before the Collector.

10. If such application is made, the Collector may decide the application of the intervenor in accordance with the law.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)