

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

WRIT PETITION NO.4268 OF 2024

(Dr. Rajendra Digambar Deshpande Vs. State of Maharashtra thr. its Secretary,
Ministry of Revenue, Mumbai and others)

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

Court's or Judge's orders.

Mr. Anand Parchure, Advocate for Petitioner.
Mr. H. D. Dubey, AGP for Respondent Nos.1 to 4/State.
Mr. A. M. Jaltare, Advocate for Respondent No.5.

CORAM: R. M. JOSHI, J.

DATE: 11th JUNE, 2025.

Per Court:

1. By consent of both the sides, heard finally at the stage of admission.

2. A short issue which is involved in this petition is as to whether the order passed by the Revenue Minister dated 13.03.2024 in Appeal No.2023/Pra.Kra.207/J-9 is sustainable if the case sought to be made out by the petitioner that he was not heard before passing of the same is accepted.

3. Learned counsel for the petitioner has drawn attention of this Court to notice dated 30.11.2023 received by him intimating the hearing having been scheduled on 04.12.2023. It is his submission that he is a resident of Wani, Tahsil Wani, District Yavatmal and it was not possible

for him to appear before the Minister on the given date and he could not appear before the Minister. It is his submission that since the order impugned is passed without giving an opportunity of hearing to the petitioner, the same does not sustain.

4. Learned counsel for the respondent vehemently opposed the petition. He draws attention of this Court to the affidavit-in-reply and the *roznama* recorded by the Minister indicating presence of the petitioner before the Minister on 04.12.2023. It is further sought to be argued that the said *roznama* indicates signature of some person on behalf of the respondent and thus it cannot be said, that the petitioner was not heard. Without prejudice to the submission he contends that if the Court is inclined to set aside impugned order in stead of relegating the matter back to the Minister, the Sub Divisional Officer be directed to decide the proceedings on its own merit.

5. Though record indicates that the notice issued to the petitioner on 30.11.2023 informing the date of the hearing before the Minister on 04.12.2023, there is no dispute about the fact that the petitioner was not present in-person before the Minister. The *roznama* however, indicates that the respondent was present in-person, which is obviously incorrect. Appearance of some signature indicating alleged presence of the petitioner during hearing would not be sufficient to hold that opportunity of hearing has been extended to the petitioner.

6. Suffice it to say that the petitioner was denied opportunity of hearing, hence on this count itself, the order impugned is set aside. The proceeding is relegated back to the Minister for its decision afresh.

7. In view of the fact that both are the senior citizens the Minister is requested to decide the proceeding expeditiously.

(R. M. JOSHI, J.)