



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

WRIT PETITION NO. 628 OF 2025

(The Akola Janata Commercial Co-operative Bank Ltd. Akola, through Chief Executive Officer Vs. Talathi, Januna, Khamgaon Gramin & 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 Counsel with Mr. A.P. Kinkar,
Counsel for the petitioner.
Ms M.S. Naik, A.G.P. for the respondents/State.

.....

CORAM : ANIL L. PANSARE, J.
APRIL 17, 2025

On 5/2/2025, following order was passed :

“The contention is that respondent no.2 has rejected the request made by the petitioner to mutate its name in the revenue record without giving opportunity of hearing. It appears that on 15/3/2024, the proceedings were closed by respondent no.2. Thereafter, he received letter dated 22/3/2024 issued by the Talathi and further by respondent no.3 – Police Inspector’s letter dated 9/4/2022 stating therein about the alleged offence against the original borrowers of the petitioner – Bank. Respondent no.2 has relied upon these letters but without giving opportunity of hearing to the petitioner.

2] Issue notice to the respondents returnable on 20/2/2025.

3] The learned A.G.P. waives notice for the respondents/State.”

2] The learned A.G.P. for the respondents made an attempt to justify the order, however, the respondents have not really commented on the vital aspect noted in the aforesaid order, viz., whether it was permissible for the Circle Officer to permit a party to submit documents

once the proceedings were closed for orders, and consequently, whether the officer could have relied upon these documents without giving opportunity of hearing to the other side.

3] The answer on both the points will be in the negative. Once the matter is closed for orders, the authority/Court will usually not permit filing additional documents, and if at all such permission is to be granted, the other side should be given opportunity to contest the application, and in any case, it will be impermissible for the authority to rely on such documents without giving opportunity of hearing to the other side.

4] In view thereof, the orders impugned are unsustainable in law.

5] The petition is accordingly partly allowed. Orders dated 30/4/2024 passed by respondent no.2 in Revenue Case Nos. 2/2023-24, 3/2023-24, 4/2023-24 and 5/2023-24, stand quashed and set aside. The enquiries are remanded back to respondent no.2 to consider afresh in accordance with law and what has been noted in the body of the order.

6] The petitioner shall appear before respondent no.2 on 7/5/2025.

7] The petition is disposed of in the aforesaid terms. No costs.

(ANIL L. PANSARE, J.)

Sumit