



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

WRIT PETITION NO. 6611 OF 2019

(Smt. Mangala Arun Bahekar and others vs. Sub Divisional Officer and Deputy Collector,
Buldana and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. V.A. Lohiya, Advocate for petitioners.
Ms. D.I. Charlewar, AGP for respondent Nos.1 and 2.
Mr. S.V. Tharkar, Advocate for respondent No.3.

CORAM : SIDDHESHWAR S. THOMBRE, J.
NOVEMBER 13, 2025

- 1) Heard learned counsel for the respective parties.
- 2) The present petition is directed against the order dated 03/01/2018 passed by the Naib Tahsildar, Chikhli in Revenue Case No.MCA-05/Kinhola/06/2016-17, whereby the proceeding under the Mamlatdar's Court initiated by the present petitioner was allowed. The said order was confirmed by the Sub Divisional Officer (SDO).
- 3) Learned counsel for the petitioner submits that the Deputy Collector and Sub Divisional Officer vide its order dated 27/02/2018 directed the Naib Tahsildar to decide the proceeding afresh by giving opportunity of hearing to all the parties, but no such opportunity of hearing was given to the petitioners. Therefore, on this ground alone the matter needs to be remanded back.
- 4) Per contra, learned AGP for respondent Nos.1 and 2 and learned counsel for respondent No.3 submits that the petitioners were aware of the proceeding and sufficient

opportunity was given, but they chose not to remain present and same can be revealed from the record. Though notices were duly served and at the time of spot inspection only one of the petitioners was present and others remained absent.

5) He further submits that in the proceedings before the Naib Tahsildar when the matter was kept for cross-examination, sufficient opportunity was given to the petitioners, but they chose not to attend the proceeding, and now they are taking a ground that the petitioners were not given opportunity of hearing.

6) The point for consideration here is that petitioners could not attend the proceeding. Therefore, in the interest of justice, to give one more opportunity to the petitioners, I deem it appropriate to allow the present writ petition to afford them an opportunity of hearing. It is expected that the petitioners should cooperate with the authority while deciding the matter.

7) In view thereof, the writ petition is allowed. Both the orders are quashed and set aside. Let the Naib Tahsildar to decide the proceeding in accordance with law, in any case within a period of six months from today.

(SIDDHESHWAR S. THOMBRE, J.)