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

WRIT PETITION NO. 4091 OF 2025

Kalyani Sandip Suradkar, Age: 31 years, Occ: Agriculturist & Housewife, R/o Berala, Tq. Chikhli, District Buldana. **PETITIONER**

VERSUS

1. Sub-Divisional Officer, Buldana.
2. Circle Officer, Berala-Chandhai, Tah.Chikhli, District Buldana.
3. Talathi, Berala-Chandhai, Tah. Chikhli, Dist.Buldana.
4. Shrikisan Sahebrao Suradkar, Age 33 years, Occ: ... R/o Berala, Tah. Chikhli, District Buldana. **RESPONDENTS**

Shri Anup Dhore, counsel for the petitioner.
Shri H.R. Dhumale, Assistant Government Pleader for the respondent nos.1 and 2.
Shri Tejas Deshpande, counsel for the respondent no.4.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : FEBRUARY 17, 2026

ORAL JUDGMENT

RULE. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the parties.

2. By this petition, the petitioner assails the order dated 11.06.2025 passed by the Sub-Divisional Officer, Buldana allowing the appeal filed by the respondent no.4 with respect to the mutation entries.

3. The respondent no.4 herein had filed an appeal bearing No.RTS-64/Berala/19/2023-24 before the Sub-Divisional Officer, Buldana challenging the order dated 27.09.2023 whereby the Circle Officer has refused to entertain the challenge to the Mutation Entry No.1981 with respect to Field Survey No.320.

4. In the aforesaid appeal, the petitioner was joined as the respondent no.1 who had appeared and filed her reply. By order dated 11.06.2025, the appeal came to be allowed by the Sub-Divisional Officer, Buldana which is challenged by the petitioner by way of instant petition.

5. The primary contention canvassed on behalf of the petitioner is that the appeal is decided by the Sub-Divisional Officer without affording an opportunity of hearing to the petitioner and the impugned order is thus passed in gross violation of the principles of natural justice. He submitted that the final order dated 11.06.2025 came to be passed in appeal by preponing the date and thereby depriving an opportunity to the petitioner (respondent no1 in the appeal) to advance submissions on her behalf. He therefore submitted that the impugned order is grossly illegal and deserves to be quashed and set aside on this count.

6. While opposing the petition, the learned counsel for the respondent no.4 raised an objection to the maintainability of the petition on account of alternate remedy. The learned counsel for the respondent no.4 and the learned Assistant Government Pleader for the respondent nos.1 and 2 also submitted that the Sub-Divisional Officer has decided the appeal on the basis of documents available before it and the impugned order does not need any interference.

7. While considering the controversy involved, a perusal of the order-sheet of the proceedings before the Sub-Divisional Officer reveals that the final order dated 11.06.2025 came to be passed by preponing the date. The respondents have not disputed the dates of the proceedings as revealed from the order-sheet placed on record at Annexure-A to the petition. In view of the glaring irregularity/illegality in the conduct of the proceedings, despite the objection about alternate remedy, this petition is taken up for hearing considering the allegations about violation of the principles of natural justice.

8. A perusal of the order-sheet reveals that the appeal was fixed for hearing on 07.052025. On that date, since the Presiding Officer was busy, the matter was adjourned for 05.06.2025. However on 28.05.2025, the matter was taken up and on that day, the appellant was marked present and the respondent no.1 (petitioner herein) was marked absent and the arguments were heard and the matter was closed for orders. In this background, the final order dated 11.06.2025 came to be passed. As such, it is clear that although the matter was posted for arguments on 05.06.2025, it was taken up before that date, i.e. on 28.05.2025 and marking the petitioner as absent in the proceedings, the proceedings were closed for passing orders. As such, the petitioner (respondent no.1 in the appeal) was deprived of an opportunity to advance submissions and therefore the impugned order is grossly in violation of the principles of natural justice. The order dated 11.06.2025 thus deserves to be quashed

and set aside on this count alone and the matter needs to be remitted to the Sub Divisional Officer for reconsideration.

8. Having regard to the above mentioned factual and legal aspects, indulgence is warranted with the impugned order under Article 227 of the Constitution of India. Hence, the following order is passed:-

I. The writ petition is allowed.

II. The order dated 11.06.2025 passed by the respondent no.1 Sub-Divisional Officer, Buldana is quashed and set aside.

III. The appeal is remanded to the Sub-Divisional Officer, Buldana for deciding it afresh after giving an opportunity of hearing to all the parties concerned.

IV. The parties are directed to appear before the Sub-Divisional Officer, Buldana on 27.02.2026 and the Sub-Divisional Officer, Buldana is directed to decide the appeal within a period of four weeks from the date of first appearance of the parties before it.

9. Rule is made absolute in aforesaid terms with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

APTE