

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

WRIT PETITION NO.1313/2023

(Jaisingh and another V State of Maharashtra and others)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. K.V. Bhoskar, Adv for petitioners.
Mrs Barabde, AGP for resp. nos. 1 to 3 and 5.

CORAM : AVINASH G GHAROTE, J.

DATE : 01-03-2023

The petition challenges the order dated 02-02-23 whereby the application u/s 80(2) of the Civil Procedure Code, for dispensing with the notice to the respondent nos. 1 to 5 has been rejected on the ground that no sufficient material has been placed on record to indicate the necessity for dispensing with the notice. It is contended that pursuant to the orders of the revenue authorities against the petitioners, the respondent no. 6, has again applied to the Tahsildar for grant of eight and half feet road under the scheme. In pursuance to which, by way of a communication dated 31-01-23 issued by respondent no./defendant no. 5, a surveyor has been appointed to measure the road through the land of the petitioners, which necessitated for filing of the suit with application in question.

2. Issue notice for final disposal, returnable on 13-03-2023.

3. The petitioner to serve the respondents by all modes permissible in law including hamdast.

4. Learned AGP Mrs. Barabde, waives notice for respondent nos. 1 to 3 and 5.

JUDGE