AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.5487 OF 2021

Sopan Baburao Chaudhary, since deceased through Legal Heirs & Ors. … Petitioners

V/s.

Suryakant Dagdu Dhumal & Ors. … Respondents

WITH
INTERIM APPLICATION NO.18613 OF 2022
IN
WRIT PETITION NO.5487 OF 2021

ATUL GANESH KULKARNI

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Date: 2026.10.19 19:27:10 +0530

Subhash Eknath Chaudhary … Applicant

In the matter between

Sopan Baburao Chaudhary, since deceased through Legal Heirs & Ors. … Petitioners

V/s.

Suryakant Dagdu Dhumal & Ors. … Respondents

Mr. Anil V. Anturkar, Senior Advocate i/by Mr. Atharva Date for the Petitioners.

Mr. Sanjeev M. Gorwadkar, Senior Advocate with Ms. Sana Y. Baugwala and Mr. Mohiyuddin Y. Baugwala i/by Mr. Sujot Gangal for Respondent Nos.1 and 2.

Mrs. Sulbha Chipade, AGP for Respondent Nos.3 and 4-State.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 19, 2026

P.C.:

1. The present Writ Petition challenges the order passed by the State Government in exercise of the powers conferred under

Section 35 of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947. The principal grievance of the Petitioners is that the impugned order has been passed without affording them a proper opportunity of hearing, thereby affecting the validity of the decision-making process.

2. Mr. Gorwadkar, learned Senior Advocate appearing for Respondent Nos. 1 and 2, and the learned AGP appearing for Respondent Nos. 3 and 4-State, opposed the contentions raised on behalf of the Petitioners. They submitted that sufficient opportunities of hearing had been granted to the Petitioners during the proceedings. According to them, the Petitioners, despite being afforded such opportunities, failed to avail themselves of the same. On this basis, they sought to justify the impugned order and opposed interference by this Court.

3. Having considered the rival submissions and perused the impugned order, it appears that the order has been passed without affording the Petitioners an opportunity of oral hearing. A reading of Clauses 3 and 5 of the impugned order indicates that the Petitioners were granted two weeks' time to submit their written submissions and that, upon failure to do so, the State Government proceeded to pass the impugned order. These clauses do not indicate that any opportunity was granted to the Petitioners to advance oral submissions before the decision was taken. The mere grant of time to file written submissions cannot, in the facts of the present case, be treated as equivalent to an opportunity of oral hearing, particularly when the proceedings culminated in an order adverse to the Petitioners. The requirement of a fair hearing is an

essential facet of the principles of natural justice. Where an opportunity of hearing is required to be afforded, the authority must ensure that the affected party is given a meaningful opportunity to present its case. In the present case, the impugned order does not demonstrate that such an opportunity was afforded to the Petitioners. The contention raised on behalf of the Respondents that sufficient opportunities were granted, therefore, cannot be accepted in the absence of material showing that an opportunity of oral hearing was in fact extended. The impugned order, having been passed without affording such an opportunity, cannot be sustained and is liable to be set aside.

4. In view of the aforesaid discussion, the impugned order dated 27 May 2021 passed by Respondent No. 2 is quashed and set aside.

5. The proceedings are remitted to Respondent No. 3 for fresh adjudication on merits, in accordance with law, after affording both sides a reasonable and effective opportunity of hearing. Respondent No. 3 shall consider the respective submissions of the parties and pass an appropriate order uninfluenced by the observations made herein on the merits of the underlying dispute.

6. The parties shall appear before Respondent No. 3 on 2 November 2026, on which date Respondent No. 3 shall proceed further in accordance with law.

7. Respondent No.3 shall endeavour to decide the proceedings within three months from the date of appearance of the parties.

8. The writ petition stands disposed off in above terms.

9. In view of disposal of the writ petition, the interim application does not survive and the same stands disposed off as such.

(AMIT BORKAR, J.)