

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6904 OF 2015

Dighi Port Limited. .. Petitioner

Vs

Revenue Minister, Mantralaya and Others. .. Respondents

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Shri Ravi Kadam, Senior Advocate along with Samidara Salve and Zain Khan i/by Shri Goal Shah for the Petitioner.

Shri V.S. Gokhale, AGP for the Respondents.

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CORAM : A.S. OKA &
REVATI MOHITE DERE, JJ
DATED : 17TH JULY 2015

PC.

1. Not on board. Taken on board.

2. Heard the learned senior counsel appearing for the Petitioner and the learned AGP for the Respondents.

3. The learned AGP on instructions states that the Review Application made by the Petitioner under Section 258 of the Maharashtra Land Revenue Code, 1966 (for short “the said Code”) is pending before the State Government. He states that the prayer for interim relief in the said Review Application is not yet considered by the State Government.

4. The learned senior counsel appearing for the Petitioner has tendered an affidavit dated 16th July 2015 of one Shri Vishal V. Kalantri, to which the photographs have been annexed. The photographs show that the premises of the Port of the Petitioner and the movables therein have been sealed on 10th July 2015. The learned AGP states that the officers who are present today in the Court have no instructions on this aspect.

5. Perusal of the Exhibit-N to the Petition shows that the Review Application was filed by the Petitioner on 31st December 2014. The said Review Application is still pending and even the prayer for interim relief therein is not considered on merits.

6. The prayer for interim relief has not been considered by the State Government from 31st December 2014. Therefore, the action of sealing the Port Premises of the Petitioner and the movables therein could not have been taken on the basis of the orders under Sub-section (7) of Section 48 of the said Code which are subject matter of challenge in the Review Application.

7. Considering the fact that the Review Application is pending, we dispose of the Petition by passing the following order:-

ORDER :

- (a) We direct the representative of the Petitioner to appear before the concerned Authority before which the Review Application is pending on 27th July 2015 at 3.00 p.m.;
- (b) We direct the State Government to hear and decide the prayer for interim relief in the Review Application as expeditiously as possible and in any case on or before 31st August 2015;
- (c) We direct the Respondents to remove the seal affixed on the Port of the Petitioner and movable property therein on production of an authenticated copy of this order;
- (d) The order passed on the prayer for interim relief shall be communicated to the Petitioner;
- (e) If the order be adverse to the Petitioner, the action of sealing shall not be taken on the basis of the orders under Sub-section (7) of Section 48 of the said Code

for a period of three weeks from the date on which the order is communicated to the Petitioner;

(f) All contentions on the pending Review Application and the prayer for interim relief are kept open;

(g) All concerned to act upon an authenticated copy of this order.

(REVATI MOHITE DERE, J)

(A.S. OKA, J)