

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11055 OF 2014

Shree Laxmi Vijay Industrial
Premises Cooperative Society Ltd.

.. Petitioners

vs.

The State of Maharashtra & ors.

.. Respondents

Mr. P. J. Thorat for the Petitioners.

Ms Aparna Vhatkar, AGP for Respondent Nos.1 and 2.

Ms M. Bhora, in house Advocate on behalf of Respondent Nos.3,4,5,
7 and 8 present.

CORAM : M. S. SONAK, J.

DATE : 4 MARCH, 2015

P.C. :-

1] Rule. With the consent of and at the request of learned counsel for the parties, Rule is made returnable forthwith.

2] This petition is directed against the order dated 24 January 2014 made by the Collector Mumbai Sub-urban District under Section 45 of the Maharashtra Land Revenue Code, 1966 (said Code).

3] It is the case of the petitioners as well as respondent Nos. 3 to 11 that they were not given an effective opportunity of being heard, before the impugned order was made. Since the impugned order visits the petitioners as well as the respondents with civil

consequences, it is only appropriate if effective opportunity of being heard is afforded to the petitioners as well as respondent Nos.3 to 11.

4] Learned AGP had expressed apprehensions that since the petition had been lodged only on behalf of Shree Laxmi Vijay Industrial Premises, if, at their behest, the impugned order is set aside and some time bound directions are issued for disposal of the matter afresh by the Collector, there may be no cooperation from other parties referred to in the impugned order. This is because, the impugned order was a common order in respect of the petitioners and respondent Nos.3 to 11. Accordingly, directions were issued to the petitioners to implead the other parties, i.e., respondent Nos.3 to 11 as party respondents. Such directions has been complied with. Today, respondent Nos.3,4,5,7 and 8 are represented by Ms. Bhora in pursuance of letter of authority.

5] Besides, there is no dispute that remaining respondents have served in the matter.

6] Accordingly, the impugned order is set aside. The Collector, Mumbai Sub-Urban District is directed to rehear the matter under Section 45 of the said Code and thereafter decide the same. The petitioners as well as respondent Nos.3 to 11 to cooperate with the expeditious disposal of proceedings before the Collector. The Collector is directed to dispose of the proceedings within a period of six weeks from the date of appearance of the petitioners as well as respondent Nos.3 to 11.

7] The petitioners as well as respondent Nos.3 to 11 are directed to appear before the Collector on 23 March 2015 at 11.00 a.m. in order to obtain directions in the matter of disposal.

8] The petitioners undertake to serve an authenticated copy of this order upon respondent Nos.3 to 11, informing them about the appearance before the Collector.

9] In the event, the petitioners and respondent Nos.3 to 11 do not cooperate in the expeditious disposal of the proceedings, the Collector shall be at liberty to proceed in accordance with law, including *inter alia*, to direct the petitioners and respondent Nos.3 to

11 to make deposit of amounts to be determined in accordance with the order dated 24 January 2014 which is impugned in the present petition. Needless to add that such deposit shall abide by the final decision which the Collector may arrive at in the matter.

10] Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

11] All parties to act upon an authenticated copy of this order.

(M. S. SONAK, J.)

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