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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 4719 OF 2014**

Shamshad Ahmed and ors. ....Petitioners  
versus  
State of Maharashtra and ors. ....Respondents

Mr. R. A. Shaikh, advocate for the petitioners.  
Mr. K. V. Saste, APP for the State.  
Mr. Pratap Patil i/b. Mr. A. B. Ansari, advocate for respondent Nos.10, 11 and 12.  
Mr. T. G. Vora i/b. Mr.Sagar Kasar, advocate for the intervenors.

**CORAM : RANJIT MORE &  
A. S. GADKARI, JJ.**

**DATED : 27<sup>th</sup> JANUARY, 2015.**

**P.C.:**

The entire petition proceeds on the basis of report dated 14<sup>th</sup> November, 2014 of the Collector and District Magistrate, Mumbai City made to the Principal Secretary (Revenue). Perusal of the report shows that the Collector has prima facie found that during the pendency of the case, one Kasliwal executed deed of transfer in favour of respondent Nos. 10, 11 and 12. Thus, the main allegations seems to be that the deed of transfer was executed during the pendency of the proceedings for renewal of the lease deed of the land in question. In the said report, the Collector has also sought Government's order regarding renewal of lease in respect of land in question. The contention seems to be that execution of deed of transfer during the pendency of the said

proceedings for renewal of lease of the land in question is illegal. If same is illegal, then, an appropriate action will be initiated against the transferees i.e. respondent Nos. 10 to 12. However, we do not find any criminality in the said action. The petition is devoid of any merits and the same is, accordingly, dismissed.

2. It is expressly made clear that this order should not be construed as expression of any opinion on merits. So far as renewal of lease of the land in question is concerned, the Collector/Government shall take appropriate decision in accordance with law. All rights and contentions in this regard are kept open.

**(A. S. GADKARI, J.)**

**(RANJIT MORE, J.)**