

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3561/2015

(RATAN INDIA POWER LIMITED, NEW DELHI & ANR **VERSUS** STATE OF MAHARASHTRA & ORS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.P. Dharmadhikari, Senior Counsel with Shri Shyam Dewani,
counsel for the petitioners.
Mrs. B.H. Dangre, G.P. for the R-1 to 4.
Shri M.M. Agnihotri, counsel for the R-5.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : SEPTEMBER 2, 2015.

By this petition, the petitioners have challenged the order of the Tahsildar, Amravati, dated 19.06.2015 under Section 48(7) of the Maharashtra Land Revenue Code, 1966, imposing a royalty of Rupees Four Crores on the petitioners.

Inter alia, the impugned order is challenged by the petitioners on the ground that no opportunity whatsoever was afforded to the petitioners before passing the said order. It is submitted that the impugned order has been passed without issuing a show cause notice to the petitioners. It is stated that the notice dated 16.06.2015 mentioned in the impugned order is not a show cause notice but, the said order also directs the petitioners to deposit the royalty amount of Rupees Four Crores.

Mrs. Dangre, the learned Government Pleader appearing on behalf of the respondent nos.1 to 4, fairly admits that the petitioners were not served with a show cause notice before the impugned order directing the petitioners to pay the royalty amount of Rupees Four Crores under Section 48(7) of the Maharashtra Land Revenue Code, 1966, was passed.

Since the impugned order is passed without affording any opportunity to the petitioners, the same is liable to be quashed

and set aside.

Hence, we allow the writ petition and quash the impugned order dated 19.06.2015.

Order accordingly. No costs.

The points raised in the petition are kept open.

JUDGE

JUDGE

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