

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION STAMP NO.7824 OF 2016**

**Shree Siddheshwar Sahakari Sakhar  
Karkhana Ltd. Kumthe**

**: Petitioner.**

**Versus**

**Maharashtra State**

**Through the Collector, Solapur and ors.**

**: Respondents.**

**Mr. G S Godbole a/w Mr. Vishwanth Patil i/by Mr. Ketan Joshi for the  
Petitioner.**

**Mr. M S Bane, "B" Panel Counsel for the Respondents.**

**CORAM : R. M. SAVANT, J.**

**DATE : 21<sup>st</sup> March 2016**

**P.C.**

1. The writ jurisdiction of this Court is invoked against the order dated 04/03/2016 passed by the Tahsildar, North Solapur which is the order attaching the agricultural lands of the Petitioner shown in the schedule to the said order in furtherance of the recovery of an amount of Rs.1,48,49,921/- from the Petitioner.

2. The challenge is also to the orders dated 20/02/2016, 12/02/2016 and letter dated 28/10/2015. In so far as the order dated 20/02/2016 is concerned, the said order is an order calling upon the Petitioner to pay the amount of Rs.1,48,49,921/- within 15 days failing which the attachment order would be issued against the Petitioner. In so far as the order dated 12/02/2016 is concerned, it is a demand notice issued by the same

Tahsildar which demand is in the sum of Rs.1,48,49,921/- + Rs.100 as notice fees, and the last challenge is to the letter dated 28/10/2015 addressed by the Tahsildar to the Gaon Kamgar Talathi to put a charge on the property of the Petitioner. The genesis of the said orders and letter lies in the demand for the sum of Rs.1,48,49,921/-, out of which an amount of Rs.15,55,848/- is towards the water supply through the tankers to the villagers and the amount of Rs.1,17,38,225/- is towards the payment in respect of the water supply scheme which was undertaken for the village in question. The said demand has been raised against the Petitioner on the ground that the Petitioner has allegedly polluted the water of the percolation dam which supplies the water to the village in question. The impugned orders and the letter which are the subject matter of the challenge in the above Petition do not indicate that any procedure was followed prior to imposing the said liability on the Petitioner or attaching the properties of the Petitioner as well as laying the charge on the properties of the Petitioner. This has to be considered in the context of the fact that the amount is sought to be recovered by having recourse to the provisions of the Maharashtra Land Revenue Code. The principal contention urged on behalf of the Petitioner is that the Maharashtra Land Revenue Code could not be invoked.

3. The above Petition was adjourned on the last occasion for the learned AGP Mrs. Bane to take instructions as to whether a post decisional hearing can be granted to the Petitioner by keeping the demand in abeyance

till the Petitioner is heard. The learned AGP fairly states that the Tahsildar, who has issued the demand notice and to which a reply has been filed by the Petitioner which is dated 16/02/2016, be directed to hear the Petitioner and decide whether the demand is to be maintained or modified or withdrawn. The post decisional hearing is in the context of the fact that the learned counsel for the Petitioner Shri Godbole stated that since the order has already been passed, the authorities may be directed to give a post decisional hearing.

4. Since admittedly the Petitioner has not been heard, in my view, it would be just and proper to dispose of the above Petition by issuing the following directions :-

- A] The Tahsildar, North Solapur is directed to hear the Petitioner in respect of the demand notice dated 12/02/2016.
- B] The Petitioner is at liberty to file a further reply if it so deems it appropriate within two weeks from date.
- C] Till the hearing is completed, and the decision is taken either to maintain the said demand notice or to modify or to withdraw the said demand notice, no further steps to be taken pursuant to the orders/letter which are impugned in the present Petition.
- D] The contentions of the Petitioner are kept open for being urged before the Tahsildar, North Solapur.
- E] The Tahsildar, North Solapur would be well advised to pass a speaking order dealing with the contentions of the Petitioner. The

same to be done latest by 30/04/2016.

F] With the aforesaid directions the above Writ Petition is disposed of.

**[R.M.SAVANT, J]**