

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.736 OF 2016

Datwani Hotels Private Limited	...	Petitioner
Versus		
State of Maharashtra And Others	...	Respondents

Mr. G.S. Godbole i/b Mr. Ajay Yadav for the Petitioner.
Ms. Harbans Kaur i/b M/s K.P. Tiwari & Co., for Respondent No.12.

CORAM : S.C.GUPTE, J.

DATE : 7 JULY 2016.

P.C. :

When Rule was issued in the Petition, this Court had made detailed observations as to why the impugned order of Minister of Revenue passed on a revision under Section 257 of the Maharashtra Land Revenue Act, 1966 was unsustainable, though the observations were termed as '*prima facie*', since the matter was not fully heard. Today when the matter is called out, there is no new or further submission advanced on the point. Accordingly, this Court confirms the observations as reasons for allowing the Writ Petition.

2 Learned Counsel for the contesting Respondent simply seeks to reserve liberty to challenge the conveyance executed in favour of the Petitioner in appropriate civil proceedings and as also assert their right, title and interest in the property by virtue of the conveyance executed in their favour by legal heirs of the original owner.

3 **Rule** is accordingly made absolute and the impugned order of Minister of Revenue passed on a revision under Section 257 of the Maharashtra Land Revenue Act, 1966, is quashed and set aside with liberty to Respondent No.12 to challenge the conveyance executed by the original land holder, namely, Maarcus D'Souza, in favour of the Petitioner and also assert right, title and interest of Respondent No.12 through the conveyance executed by legal heirs of Marcus D'Souza.

4 All rights and contentions of parties on merits in so far as issues on merits in any such challenge are concerned, including the Petitioner's contention that the conveyance executed in favour of Respondent No.12 was not duly lodged for registration and cannot be registered, are kept open.

(S.C.GUPTE, J.)