

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

CHAMBER SUMMONS NO.74 OF 2016
IN
WRIT PETITION NO.1433 OF 2015

Arvind Properties Pvt. Ltd.
and anr

.... Petitioners

V/s.
Yasmin Bhansali & Co.

.... Respondent

Mr. Prasad Dani, Senior Counsel a/w Ms. Yasmin Bhansali, Mr. Jogesh Gaikwad i/by M/s Yasmin Bhansali & Co. for the Petitioners.

Mr. Mohit P. Jadhav, AGP for the Respondent Nos 1 to 4 State.

CORAM : S.C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 22nd APRIL, 2016.

P.C. :

1. After this Chamber Summons was heard for some time as far as amendment to the writ petition is concerned, we grant the request of the petitioners as that would avoid multiplicity of the proceedings and conflicting orders and directions.

2. Leave to Amend.

3. The Chamber Summons is made absolute in terms of prayer clause (a) and (b). After the amendment is made and copy is served,

additional affidavit may be filed.

4. For the time being what we have on record is the affidavit tendered by Mr. Jadhav today on behalf of respondent Nos 1 to 4. The copy of the same has been duly served on the petitioners' advocate. The writ petition was taken up with the consent of both sides and on the basis that even the amended paragraphs are incorporated in the memo of writ petition, we have found that the request of the petitioner is twofold. If at all and in the event the lease of government land in their favour has expired by efflux of time then it envisages renewal thereof. It is that right of renewal which is exercised by the petitioner and after having filed application seeking renewal of lease deed and secondly they also requested that their name be entered in the property register card as lessee.

5. After the Writ Petition was heard for some time, we do not think that the High Court, in its writ jurisdiction can grant any relief of the above nature. However, the affidavit-in-reply filed today discloses sorry state of affairs. The requests made in writing by the like petitioner are not attended to and indefinitely. We would therefore expect the Principal Secretary in the Department of Revenue and Forest, Government of Maharashtra, who is the Competent Authority to decide both the applications and requests therein and to pass such orders as are permissible in law, but within given period of time.

6. We, therefore, direct the said Principal Secretary to decide the application within a period of six weeks from the date of appearance of the parties before him. Mr. Jadhav, learned AGP assures that the office of Principal Secretary will intimate to the petitioner in writing and well in advance the date, time and venue of the hearing which would be held on these applications. We expect the Principal Secretary to pass an order in accordance with law on the conclusion of such hearing by assigning reasons. We keep the petition pending at the request of Shri. Dani, learned Senior Counsel appearing for the petitioner and to ensure that our direction issued today is complied with.

7. The petition be placed on 28.07.2016 for admission.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [S.C. DHARMADHIKARI, J.]