

during the two years which followed the allotment, the Petitioner was unable to secure actual possession of the land. There was an occupant of the land who had filed a civil suit, being Suit No.230 of 2009 before the Court of Civil Judge, Senior Division, Nasik, claiming a declaration of ownership in respect of the property. Sometime in the year 2011, after this suit was settled upon payment of compensation to this occupant, the Petitioner could secure vacant possession of the plot from the occupant. In April 2012, a show cause notice was issued by the Collector of Nasik to the Petitioner for breach of condition No.17 on account of non-construction of the building within the stipulated period of two years. The Petitioner replied this notice in April 2012. Nothing appears to have happened in the matter of the show cause notice till October 2013, when a second show cause notice was issued to the Petitioner for breach of condition No.17. In the meantime, the Petitioner had submitted plans for construction of College buildings on the subject land. Some further steps appear to have been taken in this behalf between December 2012 and October 2013. The second show cause notice was also replied by the Petitioner, pointing out these various steps, including permissions granted by concerned departments, towards commencing the construction of College buildings on the subject land. Even after this reply, nothing seems to have happened in the matter of the show cause notice till sometime in the year 2015, when a hearing was fixed before the Minister of Revenue. Much, though, seems to have happened on the ground in between. On 10 January 2014, Sub-Divisional Officer, Nasik approved the building plans and issued a commencement certificate. The plans were revised sometime in August 2014 on the basis of revised norms. Re-inspection was ordered in pursuance of the revised norms. Re-inspection fee was paid by the

Petitioner. After re-inspection, the modification of the revised plans was sanctioned by the Competent Authority. Thereafter, development charges to the tune of Rs.35,80,490/- were paid by the Petitioner to the Town Planning Department. Finally, in July 2015, the commencement certificate was issued to the Petitioner by the Sub-Divisional Office at Nasik and thereupon, the construction of the buildings commenced. In the month of July 2015 itself, the Petitioner made an application on the basis of these facts to the State Government for extension of time to complete the construction. Between July and December 2015, the Petitioner went ahead with the construction work. On 2 December 2015, a hearing was fixed before the Revenue Minister of the State to consider the Petitioner's request for extension of time. Several important events appear to have transpired even after this hearing. The Petitioner, after completion of Phase-I of the building, on 29 December 2015, applied to Savitribai Phule Pune University for starting the program of Bachelor of Architecture from Academic Year 2016-17 in the newly constructed building. In April 2016, a no objection certificate was issued by the University for affiliation of the Petitioner's Architecture College and commencement of the course from the Academic Year 2016-17. The Petitioner also applied to the Council of Architecture for approval to its College of Architecture. A letter of intent (LOI) was issued to the Petitioner in this behalf and finally an approval was granted on 17 May 2016. So also, in the meantime, the Petitioner applied to the University for starting a law college in the building constructed on the subject land from the Academic Year 2016-17. The University constituted a Local Inquiry Committee, who granted an NOC for affiliation. The Petitioner also made an application thereafter to the Bar Council of India for approval of the law college. A part occupation

certificate applied for on 25 May 2016, was also granted.

4 In the face of all these facts, by the impugned order dated 30 May 2016, the Revenue Minister, without considering the merits of the Petitioner's application for extension of time and particularly, applying his mind to the circumstances which led to the delay in construction, and without considering the present status of the construction, ordered cancellation of the allotment and resumption of the land by the State Government. The order clearly exhibits a complete non-application of mind. Any decision of the State whilst dealing with the citizens in matters of contract generally, and disposal of the government property particularly, is expected to be informed by reason. It is expected that all germane material is duly considered and upon proper appreciation of such material, a proper order is passed by the Authority. The impugned order appears to be based on the singular circumstance that the Petitioner had not applied for extension of time before the expiry of the time originally provided under condition No.17 of the allotment order. Simply on that footing and without considering the relevant circumstances, which led to the delay, or the status of the construction as of the date of the order, the Minister could not have mechanically passed an order cancelling the allotment and resuming the land.

5 The Petitioner has produced photographs showing the status of the construction as of the date of the Petition. The photographs indicate that the Architecture college is completely ready; even the entrance lobby of Collage, the staff room, library, computer lab, class-rooms, compound wall etc., are fully ready and in an operational condition.

6 In the premises, the impugned order dated 30 May 2016 of the Revenue Minister, Maharashtra State, cannot be sustained. The Rule is accordingly made absolute and the impugned order is quashed and set aside. As a consequential order all steps taken by the State Authorities and orders passed, which are referred in Clauses (ii) and (iii) of prayer clause-A, shall also stand quashed and set aside. So also, seal and lock put by the Talathi on the main gate of the property shall forthwith be removed and possession be restored to the Petitioner in terms of prayer clause-B. The Petitioner's name shall also be restored in the 7/12 extract of the suit property in terms of prayer clause-C. The Collector of Nasik is directed to decide the Petitioner's application for extension of time dated 14 July 2015 in accordance with law. The Petition is disposed of accordingly. No order as to costs.

7 Learned AGP for the State seeks stay of this order for a limited period to enable the State to challenge this order before a higher forum. On the application of the State, (i) the order passed in respect of mutation order dated 31 May 2016 as also (ii) the order for deletion of the name of the State entered on 31 May 2016 by the Talathi Goverdhan Village, District Nasik, and (iii) the order for restoration of the name of the Petitioner in the 7/12 extract of the subject property, are stayed for a period of four weeks from today.

(S.C.GUPTE, J.)