

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1763 OF 2017

G O DEVELOPERS LLP
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Shri A.B. Kale.
AGP for Respondent Nos. 1, 3 to 5 : Shri S.K. Tambe.
Advocate for Respondent No. 2 : Shri D.D. Pokharkar.
Advocate for Respondent No. 6 : Shri D.N. Patil (Bankar).

CORAM : RAVINDRA V. GHUGE, J.
Dated : 23rd August, 2017

PER COURT :

1. This petition was not on board today. It was mentioned by the consent of the parties and taken on the production board.

2. The petitioner has impugned the order dated 02/09/2015, passed by the Hon'ble Minister.

3. After considering the submissions of the learned advocates for the respective sides and the learned AGP, respondent No. 2 agrees that respondent No. 4 before the

Hon'ble Minister in RVA No. 2013/Pra. Kra./214/15-s, had sold a portion of the land to the petitioner/establishment and respondent No. 2 had challenged the said auction purchase.

4. Shri Pokharkar, learned advocate for respondent No. 2, therefore, submits that post the auction purchase, since the petitioner had purchased 22 Acres 35 Gunthas of the land owned by respondent No. 6 herein, which is respondent No. 4, before the Hon'ble Minister, the petitioner could have been heard in the said proceedings to the extent of the interest held by the petitioner.

5. Learned advocate for respondent No. 6 herein, submits that principally, the petitioner should have been heard by the Hon'ble Minister, because the decision in the proceedings before the Hon'ble Minister would directly affect the rights and interest of the petitioner.

6. Learned AGP submits that if the petitioner would have been arrayed as respondent No. 5, by the applicant before the

Hon'ble Minister, there was no reason for the Hon'ble Minister to decline an opportunity of hearing to the petitioner. As the petitioner was not arrayed, there was no situation, wherein the petitioner could be heard.

7. Learned advocate for respondent No. 2 herein, who is the original applicant before the Hon'ble Minister submits that if the matter is remanded for a re-hearing, he would array the petitioner as respondent No. 5.

8. Considering the above, this petition is partly allowed, only for the purposes of enabling the Hon'ble Minister to hear the petitioner along with all other litigating sides, afresh. The impugned order dated 02/09/2015 and the order passed in the Review Application, dated 27/12/2016 are quashed and set aside. The Review Application is disposed of.

9. Learned advocate for the respective sides requests that a date for appearing before the Hon'ble Minister may be granted. Request is accepted. The litigating side shall appear before the

Hon'ble Minister on 19/09/2017 at 11.00 a.m. Respondent No. 2/original applicant undertakes to add the petitioner as respondent No. 5 in the proceedings before the Hon'ble Minister and the petitioner undertakes to appear on 19/09/2017, presuming that the petitioner is added as respondent No. 5.

10. Learned counsel for the petitioner submits that since he has all the documents pertaining to the proceedings before the Hon'ble Minister, his written say/statement will also be filed on 19/09/2017.

11. Learned AGP submits that in the light of the request of the petitioner to impose a time frame, the Hon'ble Minister would endeavor to decide the proceedings within four months from the date of appearance, subject to proper cooperation by all the litigating sides and provided adjournments are not sought on frivolous grounds.

(RAVINDRA V. GHUGE, J.)