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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 2388 OF 2017

Clariant Chemicals (India) Ltd. & Anr. ... Petitioners
Vs.
The State of Maharashtra & Ors. ... Respondents

Dr. Milind Sathe, Sr. Counsel, a/w Bhushan Deshmukh, Saket Mone,
Suneet Tyagi, Makrand Savant, Vishesh Kalra, Subit Chakrabarti i/b
Vidhi Partners for the Petitioners.

Mr. N. C. Walimbe, AGP for Respondent - State.

CORAM : V. M. KANADE, &
P. R. BORA, JJ.

DATE : FEBRUARY 23, 2017

PC.

1 The Petitioners are aggrieved by an order dated 16th
February, 2017 passed by the Tahsildar, Thane whereby the property
of the Petitioners has been attached / sealed. Petitioner No. 1 had
given a proposal to the Government for acquisition of the land in
question and the Government has acquired the said land. However,
thereafter the said land was sold to Petitioner No. 2 . There is a

Government Resolution of 2007, in which it is stated that upon transfer of a land being made which is acquired, unearned income has to be paid by the purchaser of the land. It is the case of the Petitioners that they paid Rs. 66 crores to the State towards unearned income. However, thereafter the Tahsildar passed an order that over and above Rs. 66 crores, the Petitioners should pay an amount of Rs. 33,88,86,511/-. The Petitioners have challenged this order before the Hon'ble Minister of Revenue. The Hon'ble Minister of Revenue has stayed the said demand of Rs. 33 crores (approx.) and the said revision application was heard and closed for orders on 30th November, 2016. It is submitted that despite there being stay granted by the Hon'ble Minister of Revenue and no final orders have been passed by the said Minister, the Tahsildar Thane has issued impugned notice / order.

2. We are of the view that since the stay was granted by the Hon'ble Minister of Revenue in 2016 and the revision is still pending, the Tahsildar, Thane could not have sealed and attached the property of the Petitioners. We, therefore, direct the Tahsildar, Thane to remove the seal / attachment of the property, pending the hearing and final

disposal of the revision application, which is pending before the Hon'ble Minister. If any adverse order is passed on the revision application, the same may not be implemented for a period of two weeks thereafter. With this direction, writ petition is disposed of.

Sd/-
[P. R. BORA, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemath