

IN THE COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2667 OF 2017

Supreme Infrastructure India Ltd. ... Petitioner
v/s
The Sub-Divisional Officer, Bhiwandi
Division, District Thane and others ... Respondents

Mr Jitendra Gaikwad i/b Mr Anilkumar Patil for Petitioner.
Mr M.C. Walimbe, AGP for Respondent - State.

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

DATE : 2ND MARCH 2017

P.C.:-

1. Heard Mr Gaikwad, learned counsel appearing on behalf of the Petitioner and Mr Walimbe, learned AGP appearing on behalf of the Respondent - State.
2. The Petitioner is aggrieved by order dated 21st February 2017 passed by the Tahasildar, Bhiwandi. By the said order, the Tahasildar was pleased to give the direction to sell the property and

the land belonging to the Petitioner for non-payment of royalty to the tune of Rs.17,23,78,243/-. The Petitioner submits that the Petitioner has undertaken the work of construction of two bridges, one at Mankoli and the other at Ranjaoli in Thane District. He submitted that the said work would be completed on or before 31st March 2017. He submitted that the impugned order is passed without giving any notice or without hearing the Petitioner. It is further submitted that the Petitioner has filed three Appeals under section 247 of the Maharashtra Land Revenue Code before the Collector, Thane and the fourth Appeal was decided by the Sub-Divisional Officer, Bhiwandi who was pleased to set aside the show cause notice and remand the matter back to the Tahasildar for the purpose of determination of royalty. The learned counsel for the Petitioner submits that this Court has by order dated 4th May 2016 was pleased to direct that the Appeals which are pending shall be decided within eight weeks. The learned counsel for the Petitioner submits that on priority basis, the order may be passed by the Sub-Divisional Officer for remanding the matter back by Tahasildar. It is further submitted that the Petitioner undertakes to pay the amount of royalty as determined by the

Tahasildar, if any, and confirmed by the Appellate Authority or finally confirmed by this Court. The said undertaking is given by Mr Mahesh Shivde, Deputy General Manager of the Petitioner Company.

3. It is submitted that by the impugned order, it is not stated as to how the Tahasildar can pass such order. We are of the view that since the Petitioner has given undertaking and construction of bridges is stalled as a result of sealing of the said property, it would be appropriate in the interest of justice that the said order is set aside.

4. Accordingly, the Petition is allowed in the aforesaid terms, the impugned order dated 21st February 2017 is set aside. Needless to state that in the event the Petitioner does not succeed finally, he shall pay the amount, if any, determined by the Tahasildar. Petition is therefore allowed in terms of prayer clause (a). The Tahasildar shall de-freeze the said property attached. Petition is disposed of.

(P.R. BORA, J.)

(V.M. KANADE, J.)