

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 6111 OF 1999

Dattaram Govind Ambre	...Petitioner
<i>Versus</i>	
Aniruddha Narayan Kulkarni & Ors.	...Respondents

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None for the Petitioner.
Ms. K.R. Kulkarni, A.G.P. for the State.

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CORAM : R. G. KETKAR, J.

DATE : 29th MAY, 2017

P.C.

1. None for the petitioner. Heard Ms.K.R. Kulkarni, learned A.G.P. for respondent No.4-State.

2. This Petition takes exception to the judgment and order dated 19.7.1997 passed by the Secretary and Special Executive Officer (Appeals), Revenue and Forest Department, State of Maharashtra. The dispute pertains to the land bearing survey No.65, Hissa No.2-A(part) admeasuring about 20 Ares situate at village Awashi, Taluka - Khed, District – Ratnagiri (for short, 'suit property'). Respondent No.2 was the original owner of the suit property. He had applied for non-agricultural certificate in

respect of the suit property. On 25.4.1986, non-agricultural certificate was issued to the second respondent. On 1.10.1986 the petitioner purchased the suit property from the second respondent by a registered sale deed. On 10.12.1987 the petitioner was granted permission to install a stone-crusher on the suit land. With a view to preventing the pollution in the area, the petitioner planted about 400 coconut trees and 10,000 mango trees. Respondent No.1 lodged complaint against the petitioner to the Collector, Ratnagiri complaining of pollution.

3. By order dated 30.6.1989, Sub-Divisional Officer cancelled the non-agricultural certificate as well as the industrial permission. Aggrieved by this decision, the petitioner preferred appeal before the Collector, Ratnagiri which was dismissed. The petitioner thereafter filed appeal before the Additional Commissioner, Konkan Division, Mumbai which was also dismissed on 8.1.1991. Aggrieved by this decision, the petitioner preferred Revision Application No.272/1995 before the Secretary and Special Executive Officer (Appeals), Revenue and Forest Department, State of Maharashtra. By the impugned order, the Secretary confirmed the order dated 8.1.1991. It is against this decision, the petitioner has instituted the present

Petition. Office remark shows that Writ Petition was dismissed against respondent No.1 vide order dated 22.2.2001 passed by the Additional Registrar. The petitioner has however not taken any steps from 22.2.2001 till date. In view thereof, the Petition cannot be proceeded further. Hence Petition is dismissed. Rule is discharged with no order as to costs, reserving liberty to the petitioner to apply for revival of Writ Petition after taking steps qua respondent No.1. As the petitioner and his Advocate is not present, office shall serve copy of this order on the petitioner and his Advocate. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)