

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.9275 OF 2013

M/s.KSL and Industries. .. Petitioner  
Vs  
State of Maharashtra and Another. .. Respondents  
—  
Shri Dinesh Kumar Jain i/b PKA Advocates for the Petitioner.  
Shri Manish M. Pabale, AGP for the Respondent Nos.1 and 2.  
--

CORAM : A.S. OKA & A.K. MENON, JJ

DATED : 2ND MAY 2017

PC.

1. Perused the impugned order as well as earlier notice dated 2<sup>nd</sup> September 2013 served to the Petitioner. The allegation in the notice dated 2<sup>nd</sup> September 2013 is that the construction has been carried out by the Petitioner on the subject land in contravention of the conditions imposed by the Collector while granting permission under Section 44 of the Maharashtra Land Revenue Code, 1966 (for short “the said Code”). The order dated 17<sup>th</sup> September 2013 records that the Petitioner did not produce the documents though an opportunity was given to him earlier. Therefore, an action was initiated under Sub-Clause (iii) of Clause (b) of Sub-section (1) of Section 45 of the said Code.

2. The statutory remedies are available to the Petitioner under the said Code. In view of the availability of the efficacious remedies to the Petitioner under the said Code, we decline to entertain this Petition under Article 226 of the Constitution of India and accordingly, we pass the following order:

ORDER:

- (a) We decline to entertain this Petition with liberty to the Petitioner to adopt appropriate remedy under the Maharashtra Land Revenue Code, 1966;
- (b) If the Petitioner adopts the appropriate remedy in accordance with law, the concerned Appellate Authority is bound to note that the present Petition was filed on 1<sup>st</sup> October 2013 and the same remained pending in this Court till today;
- (c) To enable the Petitioner to file appropriate proceedings and to seek appropriate interim relief therein, we direct that the ad-interim order dated 1<sup>st</sup> October 2013 shall continue to operate for a period of two months from today;

- (d) The Application for interim relief which may be made by the Petitioner shall be considered by the concerned Appellate Authority without being influenced by the observations made in the order dated 1<sup>st</sup> October 2013 and continuation thereof under this order;
- (e) All contentions on merits are kept open;
- (f) The Petition is disposed of on above terms.

(A.K.MENON, J)

( A.S. OKA, J )