

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

CIVIL APPLICATION NO.1762 OF 2017
IN
WRIT PETITION NO.6751 OF 2015
WITH
WRIT PETITION NO.11086 OF 2017

Kimitlal K. Gupta .. Applicant.

In the matter of
The Estate Investment Co. Pvt. Ltd.,
& Another .. Petitioner.
v/s.

Divisional Commissioner,
Konkan Division & Others .. Respondents.

WITH
CIVIL APPLICATION NOS. 1763, 1764, 2290, 2292, 2293,
2383,2393, 2498, 2392, 2387, 2384, 2386, 2390,
2404 AND 2394 OF 2017
IN
WRIT PETITION NO.6751 OF 2015

Mr. Ravi Kadam, Sr. Advocate with Ms. Sheetal Shah i/b. Mehta Girdharlal, for the Petitioner in W.P. No.6751 of 2015 and for Respondent No.2 in Writ Petition No. 11086 of 2017.

Mr. Sandesh Patil i/b. Mr. Prithviraj Gole, for the Applicant in CAW 1762, 1763, 1764, 2290, 2292, 2384, 2386, 2387, 2390, 2393, 2392, 2394, 2404, 2498 of 2017.

Mr. Simil Purohit, Mr. Viraj Maniar, Mr. Nivit Srivastava, with Pratik Amin, Mr. Harsh Behany, Ms. Hiral Vora i/b. Maniar Srivastava & Associates, for the Applicant in CAW 2293 and 2383 of 2017.

Mr. S. H. Kankal, AGP, for Respondent-State in all the Petitions.

Mr. P. S. Bhoir, Nayab Tahsildar, Thane, present.

CORAM: M.S.SANKLECHA, J.
DATE : 7th NOVEMBER, 2017.

P.C:-

These 16 Civil Applications have been taken out by different applicants, seeking identical reliefs as all allege incorrect interpretation by the State of the order dated 16th July, 2015 passed in this Petition, directing the parties to maintain status-quo. This order of status-quo is being interpreted by the State to extend to properties as specified in prayer clause (b) of each of the 16 Civil Applications which, according to the applicants in these Civil Applications, is incorrect.

2 The applicants in all these 16 Civil Applications state that they are entitled to the properties as specified in each of the Civil Applications as they have obtained the property by release deed/ no objection issued by the Petitioner. All of them further state that they have a right of tenancy in respect of the properties specified in the Applications. Thus, they claim to be entitled to have their names entered in the land records with regard to the property mentioned in prayer clause (b) in each of these Civil Applications. The Petitioner is also supporting the applicants.

3 The applicants are not pressing prayer clause (a) in each of these 16 Civil Applications, seeking to be impleaded as party to these proceedings.

4 The Applicants, state that in identical circumstances, this Court on 27th June, 2017 in Civil Application (St.) No. 33431 of 2016 and on 19th July, 2017 in Civil Application No.2799 of 2016 taken out in this Petition, by others similarly placed, was allowed by clarifying that the ad-

interim order dated 16th July, 2015 with regard to status-quo does not pertain to the properties which have been acquired by the Applicant therein under the release deed/ no objection issued by the Petitioner. The Respondent-State had filed affidavit in reply to Civil Application No. 2799 of 2016 taken out in this Petition wherein, the Respondent-State had in paragraph 11 therein stated that they have no objection, if Civil Application is allowed in terms of prayer clause (b) therein.

5 It is an agreed position between the applicants and the State that the issue arising herein are identical to the issue which arose before this Court in Civil Application (St.) No. 33431 of 2016 and Civil Application No.2799 of 2016, taken out in this Petition.

6 Mr. Kankal, learned AGP, on instructions of Mr. P. S. Bhoir, Nayab Tahsildar, Thane, who is present in Court, states that State has no objection if all these 16 Civil Applications are allowed in terms of prayer clause (b) in each of them.

7 Accordingly, all these 16 **Civil Applications** are **allowed** in term of prayer clause (b) in each of them.

(M.S.SANKLECHA,J.)