

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1476 OF 2017**

Greater Bombay Industrial Development Co-
operative Estate Ltd ...Petitioner
Versus
State of Maharashtra & Ors ...Respondents

Mr Mayur Khandeparkar, *a/w Mr P Kamat & Ms Sapna Raichure,*
i/b TN Tripathi & Co., for the Petitioner.
Ms Jyoti Chavan, *AGP for the State/Respondents Nos.1 to 3.*

CORAM: G.S. PATEL, J
DATED: 9th November 2017

PC:-

1. **Rule.** Respondents waive service. By consent, made returnable forthwith and taken up for hearing and final disposal.

2. Ms Chavan states that the Collector, Mumbai Suburban District will grant a hearing to the Writ Petitioner. However having regard to the provisions of Section 20(2) of the Maharashtra Land Revenue Code, the Collector have to issue show cause notice. In order to save time, the notice is to be served preferably on the Advocates for the Writ Petitioner at their address and Mr Khandeparkar on instructions says his attorney will accept that notice. That notice will grant a period

not exceeding two weeks, after which a day for hearing will be fixed. The Collector is requested to dispose of the matter at his earliest convenience thereafter and preferably before 18th December 2017. If the final order passed by the Collector is against the Writ Petitioner, it will not acted on until 15th January 2018.

3. Rule is accordingly made absolute with the impugned order dated 15th May 2012 and show cause notice dated 20th December 2016 being set aside.

4. On instructions, it is made clear that all contentions are kept open. I have also not assessed the matter on its merits but have only directed the Collector to issue a fresh show cause notice and hear the Petitioners because at the time of 15th May 2012 order *prima facie* it seems that the Petitioners were not heard.

5. The Petitioner will not alienate or part with possession of any portion of the property in question without prior written permission of the Collector.

6. Any changes such as mutations or alterations in the property card or land records affected pursuant to the impugned order dated 15th May 2012 will be subject to the outcome of the fresh hearing.

7. The Petition is disposed of in these terms. No costs.

(G. S. PATEL, J.)