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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1363 OF 2015

Dr.Eknath K. Majgaonkar & Ors.	...Petitioners
V/s.	
State of Maharashtra & Ors.	...Respondents

Mr.V.S. Talkute for the Petitioners.

Mr.S.H. Kankal, A.G.P. for the State – Respondent Nos.1 to 4.

Mr.Yuvraj P. Narvankar for the Respondent No.5.

CORAM : R.D. DHANUKA, J.
DATE : 7TH MARCH, 2018.

P.C. :-

1. By this petition filed under Article 227 of the Constitution of India, the petitioners have impugned the order dated 16th January, 2014 passed by the Revisional Authority allowing the revision application filed by the respondent no.5 and setting aside the order of the learned Principal Secretary and Officer On Special Duty (Appeals) and the order of the learned Collector, Satara dated 30th March, 2001 and 19th July, 2004.

2. On 10th August, 1967, the respondent no.4 had granted permission for non-agricultural use and also prepared a lay out

consisting 163 plots including the open spaces popularly called Hirawal, Parking etc. admeasuring 11,115.30 sq. mtrs. In the year 2000, the respondent no.5 made an application before the learned Collector for seeking permission to construct a building for Balwadi over the open space known as Hirawal. The respondent no.6 executed the deed in favour of the respondent no.5 on 22nd February, 2001 for a period of 99 years in respect of open space on deposit of various amounts. The learned Collector thereafter passed an order on 30th March, 2001 granting conditional permission in favour of the respondent no.5 for construction of buildings for Balwadi on the 10% open space out of open space admeasuring 11,115.30 sq. mtrs. The said order was challenged by various parties. Learned Collector initially passed an order against the respondent no.5 and cancelled the said allotment. A writ petition was filed in this Court. This Court was pleased to set aside the order passed by the Collector and remanded the matter back to the learned Collector for deciding afresh by an order dated 25th November, 2005.

3. Learned Collector thereafter by an order dated 8th March, 2006 cancelled the permission granted in favour of the respondent no.5. Learned Divisional Commissioner dismissed the revision application on 7th June, 2013. The Revisional Authority after recording various findings of fact has allowed the said revision application by an

order dated 16th February, 2014. It is not in dispute that the said lease deed in favour of the respondent no.5 has been registered.

4. Mr.Talkute, learned counsel for the petitioners states that the petitioners were not heard by the Revisional Authority. The next submission of the learned counsel is that the lease deed in case of the open plot of land could not have been granted. Insofar as the second submission is concerned, the learned Revisional Authority has considered this aspect in great detail in the impugned order. The representative of the petitioners was present before the Revisional Authority at the time of hearing.

4. I have heard learned counsel for the petitioners and for the respondent no.5 at great length and has perused the documents annexed to the writ petition. Learned Revisional Authority has considered all aspects and has rendered the findings which are not perverse and thus cannot be interfered with by this Court in this writ petition filed under Article 227 of the Constitution of India. I do not find any infirmity with the impugned order passed by the Revisional Authority on 16th January, 2014. The petition is devoid of merits and is accordingly dismissed. *Ad-interim* relief granted to stand vacated. The application for continuation of the *ad-interim* order granted by this Court is rejected. No order as to costs.

(R.D. DHANUKA, J.)