

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 9578 OF 2016****Messrs. Moosa Haji Mohamed Killedar
& Brothers & Ors.****..... Petitioners****VERSUS****The State of Maharashtra & Ors.****..... Respondents**

Mr.Atul Damle, Senior Advocate, i/b. Ms.Swati Sagvekar for the
Petitioners.

Mr.V.A.Madane, A.G.P. for the State – Respondent nos.1 to 4.

CORAM : R.D. DHANUKA, J.**DATE : 13th AUGUST, 2018****P.C.**

Learned A.G.P. on instruction states that the respondents have no objection if the impugned order dated 4th June, 2012 passed by the learned Minister, Revenue is set aside and the proceedings are restored before the learned Minister for deciding the matter afresh in accordance with law. Statement is accepted.

2. Impugned order dated 4th June, 2012 passed by the learned Minister, Revenue is quashed and set aside.

3. The proceedings which culminated into the said order dated 4th June, 2012 are restored and filed before the learned Minister, Revenue for deciding the matter afresh and in accordance with law without being influenced by the observations made and conclusion drawn in the impugned order dated 4th June, 2012.

4. It is made clear that all the contentions of both the parties on merits are kept open.

5. The petitioners would be at liberty to make appropriate submissions before the learned Minister under section 29A of the Maharashtra Land Revenue Code, 1966 and to apply for conversion of the land in question from class 2 occupancy to class 1 occupancy in addition to the issues which are already pending in the said proceedings before the learned Minister.

6. It is made also clear that the petitioners would be at liberty to make a representation before the Forest Department for continuation of the lease in favour of the petitioners. If any such application is made by the petitioners, the same shall be considered by the concerned department on its own merits.

7. This court has not expressed any views as to whether the petitioners are entitled to continuation of such lease or not.

8. *Ad-interim* relief granted by this court on 16th August, 2016 which is continued from time to time to continue during the pendency of the said proceedings before the learned Minister, Revenue and for a period of two weeks from the date of communication of the order, if the same is adverse against the petitioners.

9. The petitioners are directed to appear before the learned

Minister, Revenue on 28th August, 2018 at 03.00 p.m.

10. If the date and time is not convenient to the learned Minister, Revenue, an earliest date and time shall be conveyed to the petitioners by the learned Minister.

11. The learned Minister shall make an endeavour to dispose of the said proceedings expeditiously.

12. Writ petition is disposed of in the aforesaid terms. No order as to costs.

13. The parties to act on the authenticated copy of this order.

[R.D. DHANUKA, J.]