

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

WRIT PETITION (L)NO.637 of 2018

Ashtabhuja Cooperative Housing Societies
Federation Petitioners

vs

The Collector
Mumbai Suburban District & anr .. Respondents

Mr.Mayur Khandeparkar I/b Mr.Samir Suryavanshi for Petitioners
Mr.Amar Mishra Asst.Govt.Pleader for Respondents.

***Coram : S.C.GUPTE, J
Date : 17th APRIL, 2018***

P.C

This petition challenges an order passed by the Collector of Mumbai Suburban District on 10.2.2017 with respect to a property possessed by the petitioners who are a federation of eight societies. The property is possessed through these eight societies as allottees under Government Land Disposal Rules. The members of these societies are all ex-employees of the State. Though the societies paid premium according to the Government Resolution passed in that behalf, towards the land price, physical possession could not be given to the societies till as late as on 20.5.2014. By the impugned order of

20.2.2017, a further land premium was demanded from the federation on behalf of all eight societies. Whilst the federation is not averse to pay this additional land premium, what they object to is the proposed levy of interest on this premium. It is submitted that this land premium was determined and communicated to the petitioners for the first time by the impugned order dated 10.2.2017; yet for no explicable reason without preceded by any demand, interest is claimed from the occupant-societies.

2. The learned Assistant Government Pleader, on instructions from the respondent-state, submits that if a proper application is made by the petitioners, for waiver of interest in the circumstances alleged in the petition herein, the Collector shall decide the same after taking into account relevant circumstances of the case. Learned counsel for the petitioner offers to make a representation in this behalf within a period of two weeks from today. The Collector will consider the representation and if necessary, shall hear the petitioners on this representation and decide the same within a period of four weeks. The Collector shall

particularly take into account the circumstance that the revised land premium was determined and communicated for the first time by his order dated 10.2.2017 and there was no prior demand on the petitioners or any of the societies whom they represent before claiming any interest on the premium. The Collector shall also consider that the members of the occupant societies are all retired ex-employees of the State.

3. The petition is disposed of by quashing and setting aside the impugned order dated 10.2.2017 directing payment of interest and reserving liberty to the parties to reagitate the issue of interest before the Collector. All rights and contentions of parties on merits are expressly kept open.

4. Pending the representation and its consideration by the Collector in accordance with this order, no coercive steps shall be taken against the petitioners in pursuance of the impugned order.

(S.C.GUPTE, J)