

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3626 OF 2017

Ajitnath Hi-Tech Builders Private Limited
and Another

...Petitioners

vs.

State of Maharashtra and Others

...Respondents

Ms. Prachi Dhanani i/b. Veritas Legal, for the Petitioners
Mr. S.B. Kalel, AGP for the Respondent-State.

**CORAM : INDRAJIT MAHANTY &
N.B. SURYAWANSHI, JJ.**

DATE : SEPTEMBER 11, 2019

P.C.:

. Heard the learned counsel for the parties.

2. Pursuant to the notice issued by this Court, the affidavit has come to be filed by Tahsildar, Bhiwandi, copy of which has been served on the Petitioners' counsel and filed in the Court today.

3. The challenge in the present Writ Petition has been made to two orders dated 18th March, 2017 (Exhibit B and B-1). The Tahsildar, Bhiwandi in his affidavit in paragraphs 3 and 4 has stated as follows:

3. I say that the then Tahsildar, Bhiwandi had issued order no. Revenue/Room-1/T-10 /JB/Kavi-499/2017 and order no. Revenue/ Room-1/T-10/JB/Kavi-500/2017 on 18th March, 2017 thereby demanding non-utilization charges from the Petitioner. However, I hereby humbly admit that while issuing the abovesaid orders, the then Tahsildar, Bhiwandi had misconstrued the provisions of section 63-1A of Mumbai Tenancy and Agricultural Land Act, 1948 and the amendments thereto.

4. I hereby humbly admit that the meaning of the term “bonafide industrial use” and the purpose (Special Township Project) for which land was purchased by the Petitioners was misinterpreted by the then Tahsildar, Bhiwandi.

4. In view of above such stand taken by Tahsildar, Bhiwandi, the impugned orders dated 18th March, 2017 (Exhibit B and B/1) are quashed and set aside and the matters stand remitted back to the Tahsildar, Bhiwandi with direction to act strictly in accordance with law, if such circumstances exists.

(N.B. SURYAWANSHI, J.)

(INDRAJIT MAHANTY, J.)