

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8079 OF 2019

Shri Vasudev Pandharinath Raikar & Anr. ... Petitioners
Vs.
The State of Maharashtra & Ors. ... Respondents

Mr. Surel Shah i/b Mr. Prashant Darandale, advocate for the
petitioners.
Mr. A. B. Kadam, AGP for the State.

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

DATE : 26TH AUGUST 2019.

P.C. :

1. Heard learned counsel appearing for the respective parties.
2. The petitioners are seeking to challenge the notice dated 03/06/2019 issued under section 50 of the Land Revenue Code, 1966, by Tahsildar, Haveli, Pune, under Exhibit 'E' to the Petition.
3. It appears that the petitioners have raised various objections to the said notice in terms of their reply, which are at

Exhibit 'G' and without hearing the petitioners, the Tahasildar passed an order and not on merits. The petitioners allege that the respondent No. 4 has proceeded to direct the demolition of the petitioners' construction. By an order dated 22/07/2019, this court had intervened in the matter directing the AGP to take instructions as well as directed to maintain the status quo.

4. The learned AGP has relied on the affidavit in reply filed by the Tahsildar, Taluka-Haveli, Pune, essentially taking contention that the petitioners have an alternate remedy against the impugned notice dated 03/06/2019.

5. Admittedly, the proceeding initiated under section 50 against the petitioners has not yet been concluded and the petitioners have raised several contentions in their reply. We are of the considered view that the purpose will be subserved, if we direct the parties to maintain status quo, vis-a-vis, the construction until the respondent No. 3 / Collector finally adjudicates the proceeding initiated under Exhibit 'E'. Accordingly, we dispose of this Writ Petition with the following directions :-

- (i) The Collector shall hear the petitioners. The petitioners are granted liberty to lead evidence if necessary and thereafter after affording them appropriate hearing of the proceeding, conclude the matter preferably within a period of three months from today.
- (ii) The reply given by the Petitioners to the Tahasildar may be forwarded to the Collector.
- (iii) Status quo, vis-a-vis, the property shall be maintained till disposal of the proceeding initiated under section 50 of the Land Revenue Code, 1966 by the Collector / respondent No.3.
- (iv) Anything stated in this order shall not prejudice to the either side and the Collector shall decide the proceeding on merits and in accordance with the law.
- (v) The petitioners are also granted liberty to seek such directions from the Collector as may be appropriate for

the purpose of adjudication of the issue raised.

(vi) Writ Petition stands disposed of on the aforesaid terms.

(N.B. SURYAWANSHI, J.)

(INDRAJIT MAHANTY, J.)