

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.710 OF 2019**

Housing Development & Infrastructure Ltd. ..Petitioner.

V/s.

Additional Commissioner,
Konkan Division & Ors.

..Respondents.

Mr.Aspni Chinnoy, Senior Advocate with Ashish Kamat I/b. Subir Kumar for the petitioner.

Mr.S.S. Panchpor, AGP for respondent Nos.1, 2, 5, 7 & 8.

Mr.S.M.Gorwadkar, Senior Advocate I/b. Suresh M.Kamble for respondent Nos.3 & 4.

CORAM: NITIN W.SAMBRE, J.**DATE : JULY 23, 2019****P.C. :-**

A show cause notice dated February 16, 2016 came to be issued by the Sub-Divisional Officer, Ulhasnagar to the petitioner in relation to the following lands,

Sr. No.	Name of the village	Survey No. / Hissa No.	Area
1.	Ulhasnagar (Shahad), Taluka Ulhasnagar, District Thane	50, 51A/1, 51/2, 51/4, 51/5, 51/6, 51/7, 51/8, 53/1, 53/2, 53/3 55/11	42 Acre 8 gunthe

calling upon the petitioner as to why the allotment of land should not be cancelled and the land be taken in possession by the State Government. The basis of the said show cause notice is violation of various conditions viz. without permission of the State Government, sub-division and transfer of the land etc.

3. The land in question was transferred on April 4, 2008 to the Punjab and Maharashtra Bank. Consequently aforesaid show notice has resulted into cancellation of allotment in favour of the present petitioner, the purchaser. Said order was subject matter of challenge before respondent No.1 Additional Commissioner. The Additional Commissioner vide order dated February 27, 2018 set aside the show cause notice and order of cancellation of allotment passed by the Sub-Divisional Officer, subject to a rider that the liability of unearned income be calculated and paid. As a consequence to above, respondent Sub-Divisional Officer, pursuant to the order of cancellation of allotment, deleted the name of the petitioner from the revenue record and since the land was allotted to the respondent Municipal Corporation, mutation was ordered to be carried out in its favour.

4. I am informed that against this very order, Revision

was carried to the Additional Divisional Commissioner, Konkan Division under section 257 of Maharashtra Revenue Code, 1966 being Revision No.839/2018 in which the Additional Commissioner Konkan Division passed an order of staying the same on October 31, 2018.

5. It is the contention of learned counsel for the petitioner that the order of stay is vacated by the respondent Additional Commissioner without offering any opportunity of hearing on November 16, 2018, whereas the revision preferred by the petitioner is still pending.

6. Without going into the niceties of the matter, it would be appropriate, in my opinion to direct the Divisional Commissioner, Konkan Division to decide the Revision No.839/2018 pending on his file, preferred by the petitioner expeditiously and in any case within a period of eight weeks from the date this order is brought to the notice of the said authority.

7. I am informed that there is an ad-interim order passed on December 5, 2018 which, in my opinion, needs to be extended.

8. Accordingly, the order dated December 5, 2018 passed in this petition shall continue to operate till the decision of the

Revision of the petitioner.

9. The petition stands disposed of in the above terms.

(NITIN W.SAMBRE, J.)