

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2713 OF 2019

Jebunissa Abdul Aaiz Akbani, Thr. POA Abdul Rauf Abdul Aziz Akbani and ors.

-vs-

State of Maharashtra, Thr. Its Secretary, Department of Revenue and Forest Department,
Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri R. K. Thakkar, Advocate for petitioner.
Shri A. Joshi, AGP for respondent Nos.1 to 3.

CORAM : A.S.CHANDURKAR, J.

DATE : April 16, 2019

The petitioners are aggrieved by the order dated 15/03/2019 passed by the Collector whereby after noticing certain irregularities in the matter of conversion of agricultural land for non-agricultural use, the Sub-Divisional Officer has been directed to examine the permission already granted. Pursuant to that order the petitioners were issued notices on 20/03/2019 calling upon them to furnish their explanation and to participate in the review proceedings.

2. Shri R. K. Thakkar, learned counsel for the petitioner submits that it was not open for the Collector to have directed remand of the proceedings by invoking provisions of Section 258 of the Maharashtra Land Revenue Code 1960. According to him all permissions were granted after following the due process of

law.

3. Shri A. Joshi, learned Assistant Government Pleader for the respondents submitted that after noticing certain irregularities the Collector has merely directed the Sub-Divisional Officer to enquire into the matter. The petitioners have also been issued notices to participate in those proceedings. Hence no prejudice at this stage is caused.

4. After hearing the learned counsel for the parties and after perusing the order dated 15/03/2019, it is seen that the Collector has prima facie found that a case has been made out to invoke review jurisdiction to examine whether the permissions granted for conversion are after following the due process of law. For that purpose, the Sub-Divisional Officer has been directed to conduct an enquiry. The petitioners have been noticed for appearing in those proceedings. In view of the fact that an opportunity is being given to the petitioners to participate in the proceedings before the Sub-Divisional Officer, there is no reason to interfere at this stage of the proceedings. It is open for the petitioners to participate in the enquiry proceedings and file their submissions in support of the orders of conversion. The Sub-Divisional Officer after giving

due opportunity to the petitioners and after considering the entire material on record shall pass an order on its own merits without being influenced by any direction issued by the Collector to hold inquiry into the matter. All contentions of the parties are kept open for being considered by the Authorities. With these observations, the writ petition is disposed of. No costs.

JUDGE