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N. D. Jagtap Digitally signed by N. D. Jagtap Date: 2021.01.23 21:04:33 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 207 of 2021

Morries Energy Limited & Anr. … Petitioners
Vs.
State of Maharashtra & Ors. … Respondents

***

Mr. Sumit Kothari i/b Shon D. Gadgil, for the Petitioners.

Mr. P. G. Sawant, AGP for the Respondent - State.

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CORAM : S. J. KATHAWALLA & VINAY JOSHI, JJ.

DATE : JANUARY 22, 2021

PC :

1. By the above writ petition, the Petitioners interalia seek the following reliefs:

"(a) This Court may be pleased to declare that the Petitioners have received deemed N.A. permission in respect of Land bearing Gat No. 21 admeasuring approximately 16.54 Hectares or 41.35 acres of land acres out of the total area admeasuring 55H 26R situated at Village : Aunth, Taluka Khatav, District Satara;

(b) This Court may be pleased to issue Writ of Mandamus and/or any other appropriate Writ, Order or Direction in the nature of Writ of Mandamus thereby directing the Respondent No. 2 to issue a Sanad in the name of Petitioners in respect of Land

bearing Gat No. 21 admeasuring approximately 16.54 Hectares or 41.35 acres of land out of the total area admeasuring 55H 26R situated at Village : Aundh, Taluka Khatav, District Satara;

(c) This Court may be pleased to issue Writ of Mandamus and/or any other appropriate Writ, Order or Direction in the nature of Writ of Mandamus thereby directing the Respondent No. 3 to withdraw the demand notices dated 30/10/2020 being Exhibit H and Exhibit I to the Writ Petition;

(d) This Court may be pleased to issue Writ of Certiorari and/or any other appropriate Writ, Order or Direction in the nature of Writ of Certiorari thereby quashing and setting aside the demand notices dated 30/10/2020 being Exhibit H and Exhibit I to the Writ Petition;

In the alternative to above:

(e) This Court may be pleased to issue Writ of Mandamus and/or any other appropriate Writ, Order or Direction in the nature of Writ of Mandamus thereby directing the Respondent No. 3 to grant an opportunity of hearing in respect of the impugned demand notices dated 30/10/2020 being Exhibit H and Exhibit I to the Petition and thereby pass a speaking order in respect of the same."

2. The learned AGP states that he has instructions to inform the Court that fresh demand notice/s will be issued to the Petitioners

to enable the Petitioners to submit their reply to the Tahsildar. Upon receipt of the reply, the Tahsildar will give personal hearing to the Petitioners and / or their Advocates and pass a fresh speaking order.

3. The above statements are accepted and the following order is passed :

(i) The demand notice dated 30th October, 2020 is set aside.

(ii) The Respondents shall issue fresh notice/s to the Petitioners on or before Monday, 25th January, 2021.

(iii) The Petitioners shall submit their reply to the Tahsildar within two weeks thereafter.

(iv) The Tahsildar after hearing to the Petitioners and / or their Advocates, shall pass a speaking order within four weeks from the receipt of the reply from the Petitioners.

(v) All contentions of the parties are kept open.

(vi) The writ petition is accordingly disposed of.

[VINAY JOSHI, J.] **[S. J. KATHAWALLA, J.]**