

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2541 OF 2021

Vaibhav Development Corporation & Ors. ... Petitioners

Vesus

State of Maharashtra & Ors. ... Respondents

Mr.Niranjan Mogre i/b. Mr.Chirag Mehta for the Petitioners.

Ms.M.P.Thakur, AGP for the State.

Mr.Dinyar Madon, Sr. Adv. i/b. H.N.Kumarswami for Respondent No. 4.

Mr.Ziyad Madon a/w. Mr.Murari Madekar i/b. M/s.Madekar and Company for Respondent No. 5.

CORAM : S.J. KATHAWALLA, &
MILIND N. JADHAV, JJ.

DATE : 9TH JULY, 2021

(THROUGH VIDEO CONFERENCING)

P.C. :

1. At the outset, the Learned Advocate appearing for the Petitioners on instructions states that since the Petitioners have already filed the Suit being Suit No. 1129 of 2019 impugning the Consent Terms dated 13th February, 2018 filed in Suit No. 227 of 2018, the Petitioners are not pressing for any reliefs prayed for in the above Writ Petition with regard to the said Consent Terms and will pursue the same only in Suit No. 1129 of 2019. The statement is accepted.

2. Heard the Learned Advocates appearing for the parties.

3. By the above Writ Petition, the Petitioners have impugned the Order

dated 14th May, 2021 passed by the Tahsildar, Borivali. However, we are not inclined to entertain the above Writ Petition in view of an alternate remedy being available to the Petitioners i.e. to file an Appeal before the Sub Divisional Officer (**SDO**) under the Maharashtra Land Revenue Code, 1966 (**the Code**). In view thereof, we pass the following Order :

- i. The Petitioners shall file an Appeal before the SDO within a period of one week from today. The SDO shall hear all the concerned parties and after considering all submissions of the parties including the submission of Respondent Nos. 4 and 5 that the Petitioners herein (Appellants in the Appeal) have no locus to file the Appeal under the Code, dispose of the Appeal within a period of four weeks thereafter.
- ii. The Petitioners are also granted liberty to move the SDO seeking ad-interim reliefs. If an Application for ad-interim reliefs is moved, the SDO shall hear the parties and dispose of the same within a period of one week from the date of filing of such Application.
- iv. All contentions of the parties are kept open.
- v. The above Writ Petition is accordingly disposed off.

(MILIND N. JADHAV, J.)

(S.J. KATHAWALLA, J.)