

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9091 OF 2019

The Parut Cooperative Collective Farming
Society Limited through Chairman,
G. V. Sakpal

...Petitioner

V/s.

The State of Maharashtra and Ors.

...Respondents

Mr. S. S. Kanetkar a/w. Ms. Ketki Gadkari and Mr. Shivraj Patne
i/b. Mr. Rahul Soman, for the Petitioner.

Mr. Vishwajeet V. Mohite a/w. Mr. Dipak Y. Jadhav and Mr.
Shahuraj N. Patil, for the Respondent No.5.

Mr. P. P. Pujari, AGP for the Respondent Nos.1 to 4 / State.

CORAM : C.V. BHADANG, J.

DATE : 20 SEPTEMBER 2022

P.C.

. Rule. Rule made returnable forthwith. Learned AGP waives service for the Respondent Nos.1 to 4. Mr. Vishwajeet Mohite waives service for Respondent No.5. Heard finally by consent of the parties.

2. The challenge, in this petition is to the order dated 31 July 2019 passed by the Hon'ble Minister by which the application for review filed by the Petitioner seeking review of the order dated 17

October 2018 has been rejected. Incidentally, the Petitioner is also challenging the original order dated 17 October 2018 in this petition.

3. I have heard the learned counsel for the parties. Perused record.

4. The issue is about an order directing resumption of the land granted to the Petitioner – Cooperative Society which is a Collective Farming Society, on account of the alleged breach of the order by which the agricultural land was granted to the Petitioner – Society. The alleged breaches are that the land was not put to agricultural use within the specified time and part of the land was kept fallow.

5. Be that as it may, the record discloses that after the application for review was filed by the Petitioner, the Petitioner had approached this Court for expedited hearing and disposal of the review application by filing Writ Petition No.70/2019. The Division Bench of this Court by an order dated 24 January 2019 had directed the Hon'ble Minister to dispose of the proceedings of review, within a period of four weeks. A perusal of para 6.3 of the impugned order dated 31 July 2019 shows that on the premise that Writ Petition No.70/2019 is pending before this Court, the Hon'ble Minister had refused to entertain the review

application on merits. The Hon'ble Minister has also observed in para 6.3 that the order which was subject matter of the review petition was also subject matter of challenge before this Court in Writ Petition No.70/2019. These findings as recorded in para 6.3 are not correct and are against the record. In the first instance, Writ Petition No.70/2019 was only filed for expedited hearing of the writ petition. It can thus clearly be seen that original order dated 17 October 2017 was not subject matter of challenge in Writ Petition No.70/2019. Secondly and more significantly, Writ Petition No.70/2019 was disposed of on 24 January 2019 and thus, it was not pending on the date on which the impugned order dated 31 July 2019 was passed. In such circumstances, in my considered view, it would be appropriate for the Hon'ble Minister to reconsider the application for review on its own merits and in accordance with law.

6. In that view of the matter, the petition is partly allowed.

7. The impugned orders dated 31 July 2019 passed in Review Application Nos. 8971 and 8972 are hereby set aside. The aforesaid review applications are restored back to file of the Hon'ble Minister for disposal, according to law.

8. The Hon'ble Minister shall decide the review application as expeditiously as possible and preferably within a period of three

months from the date of the appearance of the parties.

9. Parties to appear before the Hon'ble Minister on 3 October 2022.

10. Rival contentions of the parties, on merits, are left open.

11. The interim relief, which is operating in this petition, shall continue to operate during the pendency of the review application.

Rule is partly made absolute in the aforesaid terms, with no order as to costs.

C.V. BHADANG, J.