

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8016 OF 2021

Kaiyomerz Cowas Palia Thr.
Director Our Town Properties Pvt.Ltd. ...Petitioner
Versus
State of Maharashtra Revenue and Forest
and Ors. ...Respondents

Mr. Onam Hingorani a/w Mr. Zubin Brahmhatt for the Petitioner.

Mr. R.P.Kadam, A.G.P for the Respondent-State.

CORAM : REVATI MOHITE DERE &
MADHAV J. JAMDAR, JJ.
DATE : 22nd APRIL, 2022

P.C. :

1. Not on board. Taken on board.
2. By this petition, the petitioner seeks the following substantive relief;

“(a) This Hon’ble Court may be pleased to issue a writ of mandamus or any other appropriate writ and/or order thereby quashing the alleged review proceedings being conducted by the Hon’ble Revenue Minister (the Respondent No.1) against the Petitioner being : (1) Unnumbered Review u/s 88 (1) B of the BTAL Act 1948 and (2) Unnumbered Review U/s 47(2) C of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act,

1961.”

3. Learned Counsel for the petitioner states that no review proceedings are pending before the Hon’ble Minister i.e. the respondent No.1.

4. Learned AGP has tendered a copy of the application, pursuant to which, the Hon’ble Minister has taken cognizance of the said application. Learned AGP states that the Hon’ble Minister has taken cognizance of the said application under Section 252 of the Maharashtra Land Revenue Code, 1966, on its own motion. The same is taken on record and a copy thereof, is served on the learned Counsel for the petitioner.

5. Learned Counsel for the petitioner states that the application only sets out the grounds and nothing more. Be that as it may, since the application is pending before the Hon’ble Minister, we are not inclined to interfere in the said proceedings.

6. Accordingly, it is open for the petitioner to raise all the grounds raised in this petition before the Hon’ble Minister.

7. Needless to state, that the petitioner be heard before any order is passed by the respondent No.1.
8. If any adverse order is passed as against the petitioner, the same shall not be given effect to for a period of two weeks from the date of passing of the said order.
9. The petition is disposed of on the aforesaid terms.
10. It is made clear that we have not gone into the merits of the petition and as such, all contentions of all parties are kept open.
11. All concerned to act on the authenticated copy of this order.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.