

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9514 OF 2021

Hindustan Petroleum Corporation Ltd. ..Petitioner

V/s.

State of Maharashtra and Ors. ..Respondents

Mr. Pralhad Paranjape a/w Abha Pendse for the Petitioner.

Mr. S.H. Kankal, AGP for the Respondent Nos. 1 to 3/State.

Mr. Vivek Rathod, Avaal Karkun, Tahsildar Office, Shahapur.

CORAM : C.V. BHADANG, J.

DATE : 19 SEPTEMBER 2022

:ORAL ORDER:

. By this petition, the Petitioner Hindustan Petroleum Corporation Limited is challenging the order/communication dated 05.12.2021 and 21.01.2020 along with panchnama dated 22.12.2020 issued by Respondent No.3 Tahsildar and Executive Magistrate, Shahapur, District Thane.

2. By the impugned communication/order, the Petitioner Corporation has been directed to remove the alleged encroachment on survey No. 223 of village Khativali, Taluka Shahapur, District Thane. The said notice has been issued under Section 50(2) of the Maharashtra Land Revenue Code, 1966.

SNEHA
NITIN
CHAVAN

Digitally signed by
SNEHA NITIN
CHAVAN
Date: 2022.09.19
18:49:59 +0530

3. According to the Petitioner, the petroleum outlet of the Petitioner and a hotel is situated on survey No. 220 and not on survey No. 223. It is also contended that the Petitioner was not afforded an opportunity of hearing before the issuance of the impugned communication/order.

4. This petition was adjourned in order to enable the learned Government Pleader to take instructions in the matter and to make appropriate statement.

5. Today the learned Government Pleader on instructions from Mr. Vivek Rathod, Senior Clerk states that Government measurement is carried out by Taluka Inspector of Land Records (TILR) and the report of the measurement has been received. It is submitted that this report is received on 03.01.2022 after the impugned order/communication was issued.

6. The learned Government Pleader thus, submitted that Tahsildar shall reconsider the matter in the light of the report of the measurement and after hearing the Petitioner or his representative.

7. In that view of the matter, the petition is allowed. The impugned communications are hereby set aside.

8. It is open to the Respondent-Tahsildar to pass appropriate orders in accordance with law, in the context of the report of the measurement by TILR after hearing the Petitioner or its representative.
9. In the circumstances, there shall be no order as to costs.

C.V. BHADANG, J.