

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

WRIT PETITION NO. 759 OF 2016

Anthony Ignatius Carneiro

..Petitioner

V/s.

The Sub Divisional Officer, Vasai
and Ors.

..Respondents

Mr. Surel Shah i/b Prasad Kulkarni for Petitioner.

Ms. K.N. Solunke, AGP for Respondent/State.

**CORAM : K.R. SHRIRAM AND
M.M.SATHAYE, JJ.**

DATE : 08th JUNE 2023

P.C.

1. Mr. Shah for petitioner states that petitioner will deposit 25% of the penalty amount as required under Section 256 of the Maharashtra Land Revenue Code with respondent No.1. Mr. Shah states that Rs.1,31,200/- has already been deposited being the principal amount of the royalty payable as per order of this Court dated 23.11.2015 in writ petition No. 11545 of 2015. This position is not disputed by AGP.

2. In view of the statement made by Mr. Shah, which is accepted as an undertaking by petitioner, petition disposed.

3. Respondent No.1 shall dispose petitioner's appeal being Appeal No. SR 33 of 2015 within eight weeks of deposit of 25%

of amount after adjusting amount already deposited. Before passing any order, a personal hearing shall be given. Notice thereof shall be communicated at least 5 working days in advance.

4. If petitioner wishes to file any written submission to record what transpired during the personal hearing, the same shall be filed within three working days of personal hearing.

5. Order to be passed, shall be reasoned order dealing with all submissions of petitioner.

6. Writ Petition disposed. No order as to costs.

7. We clarify that we have not made any observations on the merits of the matter.

8. Interim relief/stay, if any, granted shall continue until the disposal of the Appeal. The stay is being extended in view of undertaking made by petitioner that they shall not seek any adjournment so long as notice as mentioned above has been given.

(M.M.SATHAYE, J.)

(K.R. SHRIRAM, J.)