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

WRIT PETITION NO. 2087 OF 2023

Shivam Balkrushna Samvatsarkar ..Petitioner

Versus

State of Maharashtra & Anr. ..Respondents

Mr. Makrand Kale a/w Ramakant D. Patil for petitioner.
Mr. P. P. Kakade, Govt. Pleader a/w Mr. M. M. Pabale, AGP for State.

**CORAM: S. V. GANGAPURWALA, ACTING CJ. &
SANDEEP V. MARNE, J.**

DATE: FEBRUARY 27, 2023

P.C.:

- 1.** The learned advocate for the petitioner submits that the petitioner was a successful bidder. On or about 15th December, 2016 an agreement was entered into by the respondent no.2 with the petitioner. Land admeasuring 150 Acre and 2 Guntha is given in the possession of the petitioner. The petitioner deposited the amount as directed under the said agreement. The contract was upto 31st December, 2025. However, abruptly, the respondents cancelled the contract.
- 2.** The learned counsel for the petitioner submits that as the term of the contract of the petitioner is upto 31st December, 2025, the respondents could not have issued a fresh tender for the same agricultural land. The show-cause

notice issued to the petitioner on 22nd December, 2021 is contrary to law. The 10 Acre sugarcane had been burned down. On the basis of a complaint of a stranger, the respondent no.2 has taken action. The respondent no.2 is permitted to proceed with the fresh tender. The learned counsel submits that the petitioner was constrained to file Civil Suit. The injunction application filed therein was rejected. The appeal against the said order was dismissed. The petitioner has filed writ petition against the said orders and the same is pending. According to the learned counsel as the respondents have invited fresh tender, the present writ petition is filed.

3. We have considered the submissions canvassed by the learned counsel for the petitioner.

4. It is not disputed that after the show-cause notice was issued to the petitioner by the respondent no.2, terminating the contract, the petitioner has approached the Civil Court and filed Civil Suit. In the Civil Suit, the petitioner had filed application for interim injunction restraining the respondents from dispossessing the petitioner. Said application is rejected. The petitioner filed Misc. Civil Appeal and the same is also dismissed. As contended by the learned counsel, the writ petition is filed by the petitioner and the same is pending before the learned Single Judge of this Court. The petitioner has already availed the remedy before Civil Court. The interim injunction application is rejected. The protection sought by the petitioner not to dispossess is already denied by the competent Civil Court. The appeal is also dismissed.

5. In view of the fact that the petitioner has already availed remedy before the Civil Court and the Civil Court is seized of

the matter, it will not be appropriate to entertain the present writ petition. It is for the petitioner to apply for necessary relief in the pending civil proceedings.

6. With the aforesaid observations, the writ petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

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signed by
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DASHARATH
PANDIT
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