

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6335 OF 2019

Yogesh Ashok Relekar and Ors. ... Petitioners

Versus

The Sub-Divisional Officer,
Chiplun, District-Ratnagiri and Ors. ... Respondents

.....

Mr.Shantanu Patil, Advocate for the Petitioners.

Ms.R.A. Salunkhe, AGP for Respondent Nos.1 to 3 and 5.

.....

**CORAM : NITIN JAMDAR AND
MANJUSHA DESHPANDE, JJ.**

DATE : 19 DECEMBER 2023.

P.C. :

On 29 November 2023, the following order came to be passed:

“ None appears for the Petitioners. Heard the learned AGP.

2. The Petitioners, who are the residents of District-Kolhapur, have filed this petition making grievance that Respondent No.4-Suzlon Gujarat Wind Park Ltd. was allotted a forest land about 163.83 Hecter at Taluka- Ajara, Bhudargad, Chandgad, Dist. Kolhapur by Respondent No.3-the State of Maharashtra upon a condition that Respondent No.3 has to give an alternate land of the same area for conservation of the said land being forest.

3. A grievance made in the petition is that Respondent No.4 has not adhered to this stipulation and necessary

directions are sought including decision on the representation made by the Petitioners. Representation is made to the District Collector. The learned AGP seeks time to take instructions as to whether the representation made by the Petitioners has been decided and also whether the assertions made by the Petitioners that Respondent No. 4 has not surrendered the land to the State Government is correct or otherwise.

4. *Stand over to 19 December 2023.”*

2 The reply affidavit is filed by the Sub-Divisional Officer Chiplun, District–Ratnagiri. The learned counsel for the Petitioners now appears and seeks time.

3 Considering the nature of the dispute and that earlier order is passed, we have gone through the reply affidavit filed in the Petition.

4 In the Petition, the Petitioners sought two reliefs. First, to decide the representation of the Petitioners. Second, as an alternate prayer, prayer to take possession of the lands situated at Mauje Tiware, Taluka Chiplun, District Ratnagiri of Respondent No.4–Company. In the reply affidavit, the Sub–Divisional Officer, Chiplun, District–Ratnagiri has stated that prayer clause (1) as regards representation to be decided, becomes infructuous as it is already been decided on 17 February 2020 by the Additional Collector, Ratnagiri. It is stated that the Additional Collector, Ratnagiri, by order dated 17 February 2020 has directed that action be initiated under Section 84CC of the Bombay Tenancy and

Agricultural Lands Act, 1948. Thereafter, in paragraph nos.5 and 6 of the reply, it is stated as under:

- “5. I further say that, as per the said order dtd. 17.02.2020, the Sub – Divisional Officer initiated an action as per Section 84CC of the Bombay Tenancy and Agricultural Lands Act, 1948, and passed final Order on 22.03.2022, thereby directing the Respondent No.4 Company to deposit an amount of Rs.2,69,11,878/- within 15 days with the Government; and if the amount is not deposited within the State of Maharashtra, then the said lands will be transferred in the name of State of Maharashtra in the Revenue Records. Hereto annexed and marked as Exhibit – B is a copy of the said final Order dtd. 22.03.2022 passed by the Sub – Divisional Officer.*
- 6. I further say that, against the above said Order dtd. 22.03.2022, the Respondent No.4 – Company filed an Appeal before the Maharashtra Revenue Tribunal. I further say that the said Appeal is pending and since the stay has not been granted by the Maharashtra Revenue Tribunal, the said lands have been transferred in the name of the State of Maharashtra in the Revenue Records. Hereto annexed and marked as Exhibit – C is a copy of the 7/12 Extract.*

The learned AGP states that the action is taken by the State Government in respect of the lands which are referred to in prayer Clause (b) of the Petition and they have been transferred in the name of State of Maharashtra in the Revenue Record. This statement is accepted.

5 It appears that the proceedings filed by Respondent No.4–Company is pending before the Maharashtra Revenue Tribunal in an Appeal against the order dated 22 March 2022. Since action is now taken and the name of the State has been entered in the Revenue Record, if the Petitioners still intend to pursue the litigation, Petitioners can always apply in the proceedings pending before the Maharashtra Revenue Tribunal for impleadment and it is for the Maharashtra Revenue Tribunal to consider the prayer after hearing the Applicant–Company, as it finds appropriate. In case, if any other cause in respect of this subject matter survives, it is open to the Petitioners or any other public spirited person to initiate the same by taking recourse to appropriate proceedings.

6 Writ Petition is accordingly disposed of.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)