

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7114 OF 2022

Natha Bhaurao Awate Decd Thru Lrs And Ors ...Petitioners

Versus

The State Of Maharashtra And Ors ...Respondents

Mr. Sarthak S. Diwan for Petitioners.
Mr. A. I. Patel, Addl. GP a/w Mr. K. S. Thorat, AGP for Respondent-State.
Mr. Sandeep Salunke for Respondent No.2.

CORAM : K.R. SHRIRAM &
Dr. N. K. GOKHALE, JJ
DATED : 7th SEPTEMBER 2023

PC. :

1 On 24th August 2023, the following order came to be passed:

“1 Mr. Diwan for Petitioners states that the impugned order dated 23rd May 2022 passed by Respondent No.3 cancelling the permission granted for converting agricultural land into non-agricultural land, was on the basis that there was an order dated 28 th April 2022 in which it has been held that the land/measurement maps given by Petitioners were fabricated documents. Mr. Diwan states that the order dated 28th April 2022 was challenged before the District Superintendent of Land Record, who has, by an order dated 20th January 2023, set aside the order dated 28th April 2022. Mr. Diwan states that the matter has been remanded to appropriate authority to have a re-look to modified measurement plans and then to pass a fresh order. Mr. Diwan states that by 30th August 2023 he shall file an affidavit of Petitioner bringing these facts on record. Mr. Diwan submits that if the basis on which the impugned order dated 23rd May 2022 is passed itself being quashed, the impugned order would not survive and also has to be quashed and set aside. Mr. Thorat states that he will take instructions and make a statement on the next date.

2 Stand over to 7 th September 2023.”

2 Mr. Patel confirms that the order dated 28th April 2022 has been set aside and the matter has been remanded to appropriate authority to have a

re-look to the modified the measurement plans and pass a fresh order and petitioner has also appeared before the appropriate authority. Mr. Patel states that the appropriate authority will decide the matter and pass appropriate order in accordance with law within such time as the court would suggest.

3 In view of the above, since the entire basis of the order dated 23rd May 2022 which is impugned in the petition was that there was an order of 28th April 2022 and the order of 28th April 2022 itself has been quashed and set aside, the impugned order dated 23rd May 2022 cannot survive. The same is also hereby quashed and set aside.

4 The appropriate authority shall pass fresh order on or before 31st October 2023.

5 Petition disposed.

6 We hasten to add we have not made any observation on the merits of the matter before the appropriate authority.

(Dr. N. K. GOKHALE, J.)

(K.R. SHRIRAM, J.)