

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

**WRIT PETITION NO. 1497 OF 2022
ALONGWITH
WRIT PETITION NO. 1493 OF 2022
ALONGWITH
WRIT PETITION NO. 1494 OF 2022**

JSW Steel Limited and Anr.

....Petitioners

V/s.

The State of Maharashtra and Ors.

...Respondents

Dr. Milind Sathe, Senior Advocate a/w Mr. Saket Mone, Mr. Shrey Shah and
Mr. Abhishek Salian i/b Vidhi Partners for Petitioners.

Mr. B.V. Samant, AGP for Respondents-State.

**CORAM : K.R. SHRIRAM &
DR. N.K. GOKHALE, JJ.
DATED : 31st AUGUST 2023**

P.C. :

**WRIT PETITION NO. 1497 OF 2022
ALONGWITH
WRIT PETITION NO. 1493 OF 2022**

1. Dr. Sathe states that the short issue in these two petitions is that petitioners had erected and carried out certain construction in agricultural land and because of that the Tehsildar had issued the impugned notices. Dr.Sathe further states that petitioners had also applied to the Collector for conversion of these land from agricultural to non-agricultural and also to regularize the structures. The Collector has allowed the application of petitioner by raising a demand of approximately Rs. 90 Crores which amount has been paid by petitioner. Dr. Sathe submitted that the Collector having regularized and petitioner having complied with the conditions

imposed, the notices issued by the Tehsildar will not survive. Dr.Sathe states that notwithstanding these orders of the Collector, the Tehsildar persists on issuing notices.

2. Mr. Samant requested the matter be stood over by one week so that he can take instructions and find out why the Tehsildar is persisting with issuing the notices.

3. Since it is not clear from the order passed by the Collector whether the report from the Tehsildar was called for, copy whereof is annexed to the petition, respondents are directed to produce the file in which the order dated 20th July 2019 and 30th January 2020 was passed by the Collector. Mr. Samant states that if any report has been called for, copies of the Tehsildar report as well as file with copies of notices will be made available to the court and also to petitioner.

4. Respondent shall also give petitioner inspection of the file at 5.00 p.m. on 6th September 2023 in the office of Mr. Samant.

5. Stand over to 7th September 2023.

6. Ad-interim relief, if any, granted earlier to continue till 30th September 2023.

WRIT PETITION NO. 1494 OF 2022

7. One of the primary grounds raised in the petition impugning an order dated 11th December 2019 is that petitioner was not given even an opportunity of being personally heard. Dr. Sathe further states that on 14th March 2019 petitioner went for hearing, submitted its reply and the matter was stood over. Thereafter, petitioner went for hearing but no hearing took place and Respondent No.5 passed the impugned order after calling for a report from the Talathi and certain other soil testing report and proceeded to pass the impugned order without giving copies of these reports to petitioner or giving petitioner an opportunity to deal with or explain their stand in response to these reports.

8. There is no affidavit in reply filed to this petition. On record is an affidavit of one Mr. Vitthal Ganpati Inamdar, Sub Divisional Officer, Pen affirmed on 11th March 2022 but Dr. Sathe states that this affidavit does not pertain to this petition at all. Even in this affidavit which according to petitioner is wrongly filed, there is nothing to indicate that petitioner was heard or reply of petitioner was taken into consideration or petitioner was given copy of the reports relied upon in the impugned order to effectively deal with those reports.

9. In the circumstances, without making any observations on the merits of the matter, we hereby quash and set aside the impugned order

dated 11th December 2019 and remand the matter to Respondent No.5 for *denovo* consideration.

10. Within two weeks from today Respondent No. 5 shall make available to petitioner copy of all the reports and other documents relied upon in the impugned order. Within two weeks of receiving of those documents/reports petitioner shall file a supplementary reply to the show cause notice that has been issued. After that Respondent No. 5 may pass order in accordance with law but before passing any order personal hearing shall be given to petitioner, notice whereof shall be communicated atleast five working days in advance. The order to be passed shall be a reasoned order dealing with all submissions of petitioner.

11. Petition disposed.

12. At the cost of repetition, we state that we have not made any observations on the merits of the matter.

13. In view of the above, the consequential orders and notices for recovery are also quashed and set aside.

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

(K.R. SHRIRAM, J.)