



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

**WRIT PETITION NO.6047 OF 2021
WITH
WRIT PETITION NO. 6058 OF 2021**

Shailesh Jayesh Pawar & Anr.

... Petitioner

V/s.

The Divisional Commissioner,
Nashik Division, Nashik & Ors.

... Respondents

**WITH
WRIT PETITION NO. 6059 OF 2021**

M/s. S.S. Jupiter Infra Limited Through
Authorized Tushar Prabhakar Deore

... Petitioner

V/s.

The Divisional Commissioner,
Nashik Division, Nashik & Ors.

... Respondents

Mr. P. S. Dani, Sr. Advocate a/w. Mr. S. D. Shinde i/b. IRGO Juris for
Petitioner in WP/6047/21.

Mr. Atul Damle, Sr. Advocate a/w. Mr. S. D. Shinde i/b. IRGO Juris for
Petitioner in WP/6059/21.

Mr. Sandip D. Shinde a/w. Mr. Akshay Bankapur, Mr. Laukik Pawar i/b.
ERGO Juris for Petitioner in WP/6058/21.

Ms. S. S. Bhende AGP for State-Respondents in all the Petitions.

**CORAM : K. R. SHRIRAM &
FIRDOSH P POONIWALLA, JJ.**

DATE : 17TH AUGUST 2023

P. C.:-

1. On 30th November 2021, in paragraph 2 of the order the Court

recorded as under:-

“2. Admittedly, the letters dated 7th September, 2021 set out in prayer clause (a) above and the directions dated 21st September, 2021 by the Additional Collector, Nashik are issued without giving any notice and/or hearing to the Petitioners. The report dated 25th August, 2021 submitted by the Committee comprising of the Tahsildar, the S.D.O. and the Additional Commissioner, Administration, Nashik to the Divisional Commissioner, is relied upon by the Divisional Commissioner without providing any particulars of the same to the Petitioners and/or giving them an opportunity to make their submissions qua the correctness of the same. In view thereof, whilst keeping the Writ Petition pending before us, we pass the following Order:

(i) The Divisional Commissioner, Nashik shall give a hearing to the Petitioners and/or their Advocates on 9th December, 2021 at 12.00 noon and after considering all their submissions including their submissions with regard to the report of the Committee dated 25th August, 2021 and further considering the written submissions tendered by them pass a speaking order in the matter and forward the same to this Court on 16th December, 2021 at 10.30 a.m.

(ii) All contentions of the parties are kept open.

(iii) Stand over to 16th December, 2021. Earlier order passed by this Court shall remain in force until further orders.”

2. Mr. Damle and Mr. Dani state that notwithstanding, the pendency of these Petitions the lease of Petitioners have been renewed on such terms and conditions as in the Renewal Deed.

3. At the same time, we also find, an Affidavit in Reply on behalf of the Divisional Commissioner filed by one Rohini Shivaji Chavan, affirmed on 16th December 2021 (in both Petitions), wherein it is stated that pursuant to the directions given by this Court on 30th November 2021, the Divisional

Commissioner has conducted a hearing on 9th December 2021 (incorrectly typed as 9th December 2012) and Petitioners' written submissions has also been considered. Subsequently, a committee has been constituted to look into the matter and after the report is received by the Divisional Commissioner from the committee, the Divisional Commissioner with his remarks will forward the report to the Collector, Nashik. Collector will thereafter pass an order after giving an opportunity of hearing to Petitioners.

4. In view of this affidavit, Mr. Damle and Mr. Dani state that effectively, the impugned orders in the Petitions have been withdrawn.

5. Ms. Bhende, AGP, does not disagree.

6. In the circumstances, both Petitions are disposed. As and when any order is passed by the Collector, if the order is prejudicial to the interest of Petitioners that would be a fresh cause of action.

7. We clarify that we have not made any observation on the merits of the matters.

(FIRDOSH P. POONIWALLA, J.)

(K. R. SHRIRAM, J.)