

Santosh

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

WRIT PETITION NO. 14846 OF 2022

**SANTOSH
SUBHASH
KULKARNI**

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SANTOSH SUBHASH
KULKARNI
Date: 2023.05.04
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Laxmi Jaisingh Shendkar & ors.

...Petitioners

Versus

State of Maharashtra & ors.

...Respondents

Adv. Sanjukta Dey, a/w Saiprasad Hole, i/b Yende Legal
Asso., for the Petitioners.

Mr. Jaydeep Deo, for Respondent Nos.8B and 8C.

Mr. C. D. Mali, AGP for the State.

CORAM: N. J. JAMADAR, J.

DATED : 28th APRIL, 2023

PC:-

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to the order dated 1st August, 2022 passed by the Additional Collector, Pune, in Application No.PTE/KAV/1117/2022 purportedly under Section 70-A of the Maharashtra Tenancy and Agricultural Lands Act, 1948, ("the Act, 1948") transferring 32G proceeding from Tahsildar and ALT, Mulshi to Tahsildar and ALT Vadiwale Project and another communication dated 17th September, 2022 issued by the Sub-Divisional Officer, Mulshi to Tahsildar and ALT Mulshi thereby withdrawing the letter dated 22nd August, 2022 addressed to Tahsildar, Mulshi.

3. The learned Counsel for the petitioner submitted that in the said communication dated 19th September, 2022 certain observations have been made which bear upon the claim of the petitioner in the proceedings under Section 32G of the Act, 1948.

4. It appears that the order dated 1st August, 2022 was passed by the Additional Collector on the basis of the consent of the parties. Though the aspect of consent is sought to be put in contest, yet the learned Counsel for the parties agree that the proceedings under Section 32G be expeditiously decided by Tahsildar and ALT Vadiwale project.

5. Hence, the petition stands disposed with a direction to the Tahsildar and ALT to decide the proceedings under Section 32G of the Act, 1948 on its own merits and in accordance with law as expeditiously as possible and without being influenced by any of the observations made by the Sub-Divisional Officer, Mulshi, in the communication dated 19th September, 2022 or the order passed by the Additional Collector dated 1st August, 2022.

6. The Tahsildar, Vadiwale project shall, however, give an effective opportunity of hearing to the parties.

7. The parties shall appear before the Tahsildar, Vadiwale on 15th May, 2023.

8. It is clarified that this Court has not entered into the merits of the matter.

[N. J. JAMADAR, J.]