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

WRIT PETITION NO. 11600 OF 2019

Mumbai Khadi and Village
Industries Association

..... Petitioner

Vs.

The State of Maharashtra & Ors.

..... Respondents

Mr.Aspi Chinoy, Senior Counsel a/w Mr.Ashok Tajane, Mr.Atmaram Patade, Mr.Suraj Naik, Ms.Mohini Thorat, Mr.Pranav Manjrekar i/b Mr.Atmaram Patade for the Petitioner

Dr.Birendra Saraf, Advocate General a/w Mr.P.P.Kakade, G.P. a/w Mr.M.M.Pabale, A.G.P. for the State / Respondent nos.1 to 3

**WITH
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION (L) NO.21051 OF 2021**

Gopal Chinayya Shetty

..... Petitioner

Vs.

The State of Maharashtra & Ors.

..... Respondents

Mr.Amarendra Mishra for the Petitioner

Dr.Birendra Saraf, Advocate General a/w Ms.P.H.Kantharia, G.P. for the State

Ms.Oorja Dhond for the MCGM

Dr.Milind Sathe, Senior Advocate, Mr.Bhushan Deshmukh, Mr.Atmaram Patade, Mr.Suraj Naik, Ms.Mohini Thorat, Mr.Pranav Manjrekar i/b Mr.Atmaram Patade for the Respondents

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : APRIL 25, 2023

P.C.

1. The present Writ Petition assails the order passed by the Hon'ble Revenue Minister under section 257 of the Maharashtra Land Revenue Code, 1966.
2. The Public Interest Litigation is filed for enforcing the reservation i.e. the plot be used for hospital purpose.
3. Mr.Chinoy, the learned Senior Advocate appears for the Petitioner in Writ Petition No.11600 of 2019. Mr.Amarendra Mishra, the learned counsel appears for the petitioner in Public Interest Litigation (L.) No.20 of 2021 and Dr.Sathe the learned senior advocate appears for respondent no.3 in the Public Interest Litigation and submits that the respondent no.3 is willing to use the plot for hospital purpose also.
4. One of the contentions of the Petitioner in Writ Petition is that the impugned order under section 257 of the Maharashtra Land Revenue Code has been passed without hearing the Petitioner.
5. We have also heard the learned Advocate General appearing for the Respondent State.
6. From the record, the Respondent State cannot demonstrate that the Petitioner in Writ Petition was heard before passing the impugned order. The proceedings under section 257 of the

Maharashtra Land Revenue Code are *quasi judicial* proceedings. The party against whom the order is passed is entitled to be heard. That is the cardinal requirement of the principles of natural justice. As the order impugned in the Writ Petition is passed without hearing the Petitioner, we are inclined to remit the matter to the Hon'ble Minister.

7. In light of that, the impugned order in the Writ Petition dated 09.09.2019 passed by the Hon'ble Minister is quashed and set aside.

8. The matter is remitted before the Hon'ble Minister.

9. The Petitioner in the Writ Petition shall appear before the Revisional Authority on 19.06.2023.

10. As the date of appearance has been fixed by the court, it is not necessary for the Revisional Authority to issue notice to the Petitioner.

11. Revisional Authority shall decide the revision filed by the Writ Petitioner on its own merits in accordance with law expeditiously.

12. The Writ Petition is disposed of in the aforesaid terms. No costs.

13. In view of the disposal of the Writ Petition, Public Interest

Litigation also stands disposed of.

14. Depending upon the decision taken by the Revisional Authority, parties may take further steps in accordance with law.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)