

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 342 OF 2024.

Pallavi Shekhar Chidgupkar

...Petitioner.

Versus

State of Maharashtra and Others.

...Respondents.

Mr. Kaustubh Thipsay and Mr. Shivraj Patne for Petitioner.

Mr. Soham Ganjal for Respondent No.3 [VP not filed.]

Mr. P. G. Sawant, AGP for Respondent-State.

*Mr. Amrin Khan and Mr. Avinash Gokhale for Respondent Nos.4 to 6 in
IA(St)/30316/2024.*

Mr. Mandar Soman for Intervenor in IA/13476/2024.

Coram : Sharmila U. Deshmukh, J.

Date : November 29, 2024.

P. C. :

1. In the present petition, the challenge is to the order dated 16th June, 2022 passed by the Hon'ble Minister allowing the Intervention Application of Respondent Nos. 4 to 6. Perusal of the previous order would indicate that the grievance of learned counsel for the Petitioner was that the petitioner was not heard by the Revenue Minister before passing of the order of 16th June, 2022 and this Court had directed the learned AGP to place before the Court the original proceedings for perusal. On 25th September, 2024, the record was placed before this Court and it is recorded that neither the Petitioner nor Respondent No.3 were given an opportunity of hearing before the Intervention Application filed by the Respondent Nos. 4 to 6 was allowed.

2. Considering that the record itself indicates that no opportunity of hearing was given to the Petitioner and Respondent No.3 before the impugned order dated 16th June, 2022 was passed, the appropriate course is that Application No.3521/447/Ref-239/J-5A and Application No. 3521/448/Ref-240/J-5A be remanded to the file of the Hon'ble Minister to be considered afresh after giving an opportunity of hearing to the Petitioner as well as Respondent No.3. Resultantly, impugned order dated 16th June, 2022 is hereby quashed and set aside. The Application No.3521/447/Ref-239/J-5A and Application No. 3521/448/Ref-240/J-5A are remitted to the file of the Hon'ble Minister to be considered afresh. It is made clear that this Court has not gone into the merits of the matter and as such all rights and contentions of all the parties are expressly kept open.

3. In this petition, Interim Application has been filed by one of the purchasers of the subject-land who claim right in the said land. It is open for the Intervenors in Interim Application (Stamp) No.30316 of 2024 and Interim Application No.13476 of 2024 to take such steps as advised before the Hon'ble Minister. Petitions are disposed of in the above terms. Civil/Interim Application, if any, does not survive and the same is disposed of.

[Sharmila U. Deshmukh, J.]