

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1099 OF 2024

Haresh Mohandas Lalwani & Anr.

... Petitioners

Versus

State of Maharashtra through Principal Secretary,
Revenue and Forest Department & Ors.

... Respondents

Mr. Monish Bhatia, for the Petitioner.

Ms. S. D. Vyas Addl. G.P a/w Ms. P. J. Gavhane, AGP for State.

CORAM: G. S. KULKARNI &
KISHORE C. SANT, JJ.

DATED: 24 January, 2024

P.C.

1. We have heard learned counsel for the parties.
2. The petitioner is aggrieved by a communication dated 1 June 2023 addressed by Additional Secretary, Revenue and Forest Department to Shri Shahajahan Mulani Divisional Commissioner, Konkan Division. The contention of the petitioner is that show cause notices dated 9 April 2018 were issued to the petitioner under which an inquiry was held against the land as allotted to the petitioner being subject matter of sale certificate dated 30 July 1971 (Exhibit-B page 33) and conveyance dated 7 August 1971 (Exhibit-C page 36). The findings rendered in favour of the petitioner were also confirmed in the proceedings of revision petition No. 55 of 2021 filed by the

petitioner. The petitioner contends that the impugned communication dated 1 June 2023 hence cannot be made applicable in so far as the plot of land allotted to the petitioner namely plot bearing No.345(P), Sheet No.72, Ulhasnagar 2, admeasuring 575.2/9 square yards.

3. We note that the impugned communication is *inter se* between the State Government and the Divisional Commissioner, Kokan Division. On the basis of such communication, no notice *per se* is issued to the petitioner. Considering the contents of paragraph six of the said communication, if an action is to be taken including by issuance of notice, all necessary factors in regard to the allotment and more particularly, which the petitioner intends to canvass would be required to be taken into consideration by the concerned authority.

4. We are accordingly of the opinion that the petition is quite premature as, merely on the ground that an inquiry is sought to be initiated against 9 properties and it is likely that the petitioner's property can one of the property to be included, the petition need not to be entertained as today there is no concrete cause of action as accrued to the petitioner.

5. We may observe that before any notice is issued to the petitioner, the authorities would be under an obligation to consider the to sale certificate and conveyance as also the final orders passed by the Authorised Chief Settlement

Commissioner, Maharashtra State, on Revision Petition No. 55 of 2021 dated 18 June 2021.

6. In the light of the observations, keeping open all contentions of the petitioner as also that of the respondents. We dispose of this petition.

7. Dispose of. No costs.

(KISHORE C. SANT, J.)

(G. S. KULKARNI, J.)