



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7846 OF 2023**

Ashok Motilal Katariya

.....Petitioner

Vs.

The State of Maharashtra Thru. Principal
Secretary, Revenue Dept. and anr

.....Respondents

**WITH
INTERIM APPLICATION NO. 7888 OF 2024
IN
WRIT PETITION NO. 7846 OF 2023**

Suhas Dwarkanath Kande

....Applicant

IN THE MATTER BETWEEN

Ashok Motilal Katariya

.....Petitioner

Vs.

The State of Maharashtra Thru. Principal
Secretary, Revenue Dept. and anr

.....Respondents

**WITH
INTERIM APPLICATION NO. 1470 OF 2024
IN
WRIT PETITION NO. 7846 OF 2023**

Mr. Raghunath S. Rathod IAS (Retd)

....Applicant

IN THE MATTER BETWEEN

Ashok Motilal Katariya

.....Petitioner

Vs.

The State of Maharashtra Thru. Principal
Secretary, Revenue Dept. and anr

.....Respondents

Mr. Nitin Gaware Patil for the petitioner in WP 7846/2023
Mr. Atul Damle, Senior Advocate a/w Mr. Vinayak Pandit a/w Mr.
Indraraj Yadav i/b Mr. Ajinkya Udane (On VC) for intervener
Mr. Ashutosh Rathod a/w Ms. Anjali Rathod for the Applicant in IA No.
1470/2024
Smt. S. S. Bhende AGP for respondent nos. 1 and 2

CORAM : GAURI GODSE, J.

DATE : 30th APRIL 2024

P.C.

1. Learned APP raises a preliminary objection that the impugned order is passed under section 84(c) of The Maharashtra Tenancy and Agricultural Lands Act, 1948. Hence, the order is appealable.

2. Learned counsel for the petitioner does not dispute that there is alternate remedy available, however, he submits that there is a breach of principles of natural justice. Hence, powers under Articles 226 and 227 of the Constitution of India be invoked. He submits that the notice

did not contain all the properties referred to in the order. Hence, there is a breach of principles of natural justice. In support of his submissions, he relies upon decisions of **Radha Krishan Industries Vs. State of Himachal Pradesh and Others**¹ and **Whirlpool Corporation Vs. Registrar of Trade Marks, Mumbai and Others**².

3. Learned counsel for the petitioner also points out that the impugned order is passed at the behest of the Minister. However, a perusal of the petition does not indicate any such pleadings. There cannot be any debate on the point that if there is breach of principles of natural justice, powers under Articles 226 and 227 of the Constitution of India can be invoked. The petitioner was heard before passing the impugned order. Hence, the points raised by the petitioner in the present petition can be raised before the appellate authority. The appellate authority is empowered to correct all the factual as well as legal errors. Hence, I do not see any valid reason to entertain the petition. Hence, the petition is dismissed on the point of availability of efficacious alternate remedy.

¹ (2021) 6 Supreme Court Cases 771

² (1998) 8 Supreme Court Cases 1

4. Needless to record that the petitioner is at liberty to adopt appropriate alternate remedy, as permissible in law.
5. Learned counsel for the petitioner seeks extension of ad-interim relief already granted by this Court to enable the petitioner to adopt appropriate legal remedy.
6. Since ad-interim relief was already granted by this Court on 30th June 2023, the same shall continue for a period of 6 weeks to enable the petitioner to adopt appropriate legal remedy as permissible in law.
7. Needless to clarify that ad-interim relief shall continue for a period of 6 weeks from today, subject to petitioner filing appropriate appeal within 4 weeks from today.
8. Writ petition is disposed of in above terms.
9. In view of the disposal of the writ petition, Interim Application No. 7888 of 2024 and Interim Application No. 1470 of 2024 are disposed of as infructuous.

[GAURI GODSE, J.]