

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13902 OF 2017

Mr. Lahu Gopal Shirose
(since Deceased Through Lrs.)
Ramdas Lahu Shirose
(Thr. POA)
Tarabhai Suresh Rohane And Ors

...Petitioners.

Versus

The State of Maharashtra And Ors.

...Respondents.

*Adv. Rajesh Datar i/b Sushyant Paggare a/w Druti Datar for the Petitioner
Adv. Vaishali Nimbalkar for Respondent Nos. 1 to 4.
Adv. P. S. Dani, Sr. Advocate i/b Shivraj R. Patil a/w Sagar S. Tambe for
Intervenor.
Adv. Abhijit P. Kulkarni a/w Sweta Shah & Gaurav Sahare for the Respondent
Nos. 5 to 8.*

Coram : Sharmila U. Deshmukh, J.

Date : April 1, 2024.

P. C. :

1. By an order of even date, the Interim Application for intervention is allowed. As such, along with learned counsel for the parties, the learned Senior Advocate for the intervenor was also heard.

2. After arguing for some time, learned counsel for the parties arrived at a consensus that the impugned order dated 20th June, 2017 passed by the State Government through the Minister of Revenue as

well as the order of Sub-Divisional Officer dated 31st May, 2012 and the order of Additional Commissioner dated 30th April, 2013 be quashed and set aside and the matter be remanded to the Sub-Divisional Officer to be considered afresh.

3. In light of the consensus arrived at between the parties, the order of the State Government through the Minister of Revenue dated 20th June, 2017, order of Sub-Divisional Officer dated 31st May, 2012 and order of Additional Commissioner dated 30th April, 2013 are hereby quashed and set aside. RTS Appeal No. 185 of 2011 is remanded to the SDO Thane, Division Thane to be considered afresh.

4. It is made clear that as the RTS Appeal No. 185 of 2011 is remanded to be heard afresh, the Sub-Divisional Officer to hear the Application for condonation of delay and thereafter pass appropriate orders thereon.

5. As the Applicant interveners claim to have acquired right to the subject property, the Applicants to implead the Applicant intervenors as party to RTS Appeal No. 185 of 2011. As the Appeal is being remanded, the Sub-Divisional Officer is requested to decide the expeditiously. Needless to clarify that all rights and contentions of all parties are expressly kept open and the Sub-Divisional Officer to

decide the issue afresh uninfluenced by the observations made in the earlier order.

[Sharmila U. Deshmukh, J.]