

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13120 OF 2024.

Rajkumar Sunderdas Kukareja

...Petitioner.

Versus

The State Of Maharashtra Thr Principal Secretary

...Respondent.

Ms. Minal Chandnani for the Petitioner.

Mr. Kedar Dighe Addl GP a/w Ms. A.A. Nadkarni AGP for the Respondent-State.

Mr. Makrand Kale for the Intervenor.

Mr. Girish Agrawal i/by Monish Bhatia for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : December 2, 2024.

P. C. :

1. The dispute in the present case arises out of review the proceedings initiated by the Respondent purportedly under Section 25 of the Displaced Persons (Compensation And Rehabilitation) Act, 1954, (for short "**DPCR**") which at the same time also challenged the allotment letter dated 20th January 2021, and the conveyance deed dated 20th January 2021.

2. The facts of the case are that by an order dated 7th January 2021, the Chief Settlement Commissioner allowed the revision filed by the present Petitioner and remanded the matter to the Sub Divisional Officer Cum Managing Officer, Ulhasnagar, with certain directions. Pursuant thereto the deed of conveyance and the allotment order dated 20th January 2021, came to be passed.

3. The Respondents filed a Review Petition before the Chief Settlement Commissioner purportedly under Section 25 of the DPCR challenging the order of allotment order as well as the order of 7th January 2021. It is pointed out to this Court that no review under Section 25 of DPCR can be filed against order of 7th January 2021, and despite thereof an order of *status quo* has been passed in the said review proceedings.

4. Ms. Chandani, learned Counsel appearing for the Petitioner would submit that the review under Section 25 is maintainable only against an order passed under Section 5 and the order of 7th January 2021, was passed under Section 24 of the DPCR.

5. Mr. Agrawal, learned Counsel appearing for the private Respondents would submit that though the Application is styled as Review Application under Section 25, infact, the challenge is to the subsequent order of the Sub Divisional Officer, after remand, by which the conveyance deed dated 20th January 2021, was executed. He submits that the proceedings under Section 24 of Act against the order of SDO is perfectly maintainable and though the Application is filed as Review before the Chief Settlement Commissioner infact it is Revision Petition under Section 24 of the DPCR.

6. Considering the submissions of Mr. Agrawal, it is not necessary for this Court to go into that issue as to whether the Review

Petition itself is maintainable and thus whether the order of *status quo* could have been passed. The Petition can be disposed of with direction that the Review Petition No. 25 of 2022 is to be treated as Revision Petition under Section 24 of DPCR and not a Review Petition in Revision Petition No.28 of 2007. Consequently the challenge in the Review/Revision Petition would be confined only to the order of Sub Divisional Officer which is passed consequent to the remand by order dated 7th January 2021.

7. Let the necessary amendment be carried out in the Review Petition within a period of 1 week from today.

8. This Court is informed that the matter is listed for hearing on **17th December 2024**, and it is accepted that the same will be proceeded further.

9. The Petition stands disposed of in the above terms.

10. In view of the order passed in the Writ Petition the Interim Application for intervention does not survive for consideration and the same stands disposed of. The Intervenor is at liberty to adopt such proceedings as permissible in law and as deemed necessary.

[Sharmila U. Deshmukh, J.]