

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 18378 OF 2024

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Krushnakant Vasantarao Raskar

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

Adv. S. R. Nargolkar a/w Avinash Joshi for the Petitioner.

Adv. Nitin Deshpande for the Respondent Nos. 2 and 3.

Mr. A. I. Patel, Addl.G.P. a/w Y. D. Patil, AGP for Respondent No.1.

CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.
DATE: DECEMBER 11, 2024

P. C.

1. Leave to amend and correct the dates to 17th September, 2019 instead of 17th September, 2020 to the above Writ Petition. The Petitioner is also permitted to amend the cause title of the above Writ Petition in relation to Respondent No.3 by deleting the words "The Revenue Minister and".

2. The amendments to be carried out forthwith in front of the Associate. Re-verification is dispensed with.

3. The above Writ Petition is filed seeking the following reliefs:

“(a) This Hon’ble Court be pleased to issue a Writ of Certiorari or a Writ in the nature of Mandamus or any other appropriate writ, order or direction thereby directing the Respondent no.2 to permit the Petitioner to complete remainder term of the Joint Cultivation Agreement dated 17th September, 2019 and hold that the Joint Cultivation Agreement is valid & subsisting;

(b) This Hon’ble Court be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate writ, order or direction thereby directing the Respondent no.2 to forthwith revoke/cancel/recall its decision, if any such decision is taken or cancelling the Joint Cultivation Agreement dated 17th September, 2019 and or allocating/allotting the land to any third party;”

These reliefs are sought on the basis that though the Petitioner had given a three months’ notice on 27th March, 2024 (as contemplated in the Joint Cultivation Agreement), it was made clear that if the financial situation of the Petitioner improved, and if it is possible to make payment, the Joint Cultivation Agreement would continue. This Joint Cultivation Agreement was valid for a period of approximately ten years.

4. It appears that the Petitioner was in fact able to muster up the finances for continuation of the Joint Cultivation Agreement and made

payment of Rs. 17,50,000/- to Respondent No.2 on 20th June, 2024 [by RTGS]. The reason for filing the present Petition is because according to the Petitioner, he received a telephonic call that since they opted to have the Agreement terminated, Respondent No.2 would proceed to take possession of the land which forms the subject matter of the Joint Cultivation Agreement.

5. The learned Advocate appearing for Respondent No.2 sought two weeks' time to file an affidavit in reply to the above Writ Petition.

6. Acceding to his request, we direct that the affidavit in reply, if any, shall be filed on or before 26th December, 2024 and a copy of the same shall be served on the Advocates for the Petitioner.

7. If the Petitioner wants to file an affidavit in rejoinder, he may do so, by filing the same on or before 9th January, 2025, and serve a copy of the same on the Respondents.

8. We now place the above matter on board on 14th January, 2025 for ad-interim reliefs.

9. In the meanwhile, and without prejudice to the rights and contentions of all parties, status-quo in relation to the aforesaid land shall be

maintained and the Petitioner who is occupying the subject land shall not be dispossessed. Further, the 2nd Respondent shall not cancel/terminate the Joint Cultivation Agreement dated 17th September, 2019. The ad-interim relief granted today, shall continue till the next date.

10. The learned Counsel appearing for the Petitioner, has also informed us that he has made a Representation-cum-Appeal to the 3rd Respondent and who is the Chairman of Respondent No.2.

11. We make it clear that the 3rd Respondent is free to decide that Representation-cum-Appeal despite the order passed by us today, but naturally without disturbing status-quo order passed by us today.

12. Stand over to 14th January, 2025.

13. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]