

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

WRIT PETITION NO. 1516 OF 2024

Nitin Ramesh Adsul

.... Petitioner

Versus

The State of Maharashtra and Ors.

.... Respondents

Mr. V. M. Thorat a/w Mr. M. V. Thorat and Mr. Amar Bodke, for the Petitioner.

Mr. C. K. Pendse, for the Respondent No. 7.

Mr. P. D. Jadhav, for the Respondent No. 8.

Mr. K. V. Saste, Addl.P.P., for the Respondent-State.

Mr. Raysing Patil, P.I., EOW, Unit- 7, is present.

M. B. Dandekar, from office of the Competent Authority, is present.

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.***

DATED : 24th APRIL 2024.

P.C.:

1. Heard learned counsel for the petitioner.
2. By this petition, the petitioner has impugned the order dated 30th January 2024, passed by the Designated Judge and Additional Sessions Judge under the MPID Act, in MPID Case No.

7 of 2016 (in C.R. No. 83 of 2015), by which, the learned Judge allowed the application preferred by the respondent Nos. 7 and 8. By the said application, the respondent Nos. 7 and 8 sought permission to purchase the suit property admeasuring 38.03 Acres, situated in Survey No. 54, Village- Gatewadi, Taluka- Parner, Ahmednagar, of the accused Nos. 1, 2 and 3 for a total consideration of Rs.65 lakhs.

3. The grievance of the learned counsel for the petitioner is, that despite the mandate of holding an auction, the same has not been done and the property in question has been directly sold to the respondent Nos. 7 and 8, for a far lesser price than the land could fetch. He states that the property is being sold for Rs.65 lakhs, whereas, if an auction was held, the petitioner would have purchased the property for about Rs.2 crores.

4. Mr. Saste, learned Addl.P.P. states that police authorities had objected to the application filed by the respondent Nos. 7 and 8, however, despite the same, the impugned order came to be passed. Mr. Saste, states, that an auction ought to have been held, and

only if no purchasers were found during the auction, an individual sale could have been permitted.

5. Considering the aforesaid, issue notice to the respondents, returnable on 6th May 2024. Mr. Saste, learned Addl.P.P. waives notice on behalf of the respondent Nos. 1 and 5, Mr. Pendse, learned counsel waives notice on behalf of the Respondent No. 7 and Mr. Jadhav, learned counsel waives notice on behalf of the Respondent No. 8.

6. In addition to Court notice, learned counsel for the petitioner is permitted to serve the respondent Nos. 2 to 4 and 6 by private notice and file affidavit of service before the next date. Hamdast permitted.

7. In the meantime, till the next date, the impugned Order dated 30th January 2024 is stayed. There shall also be an ad-interim relief in terms of prayer clause (g), which reads as under:

“(g) Pending the hearing and final disposal of this Writ Petition, restrain the Respondent no. 5 Competent

*Authority to execute any Conveyance and/or handover
Gat no. 54 in favour of Respondent nos. 7 and 8.”*

8. Stand over to 6th May 2024.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.