



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3259 OF 2024

Metro Motors, Amravati and others.

V/s

Sub Divisional Officer, Amravati and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. R.J. Mirza, counsel for the petitioners.

Mr. Sambre, AGP for the State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 24/05/2024.

1. By this petition, the petitioners are seeking direction to quash and set aside the order dated 11/03/2024 passed by the respondent No.3/Tahsildar in the Revenue Case No. M.R.C.-81/Rewsa/609/2023-24.

2. By way of ad-interim prayer, learned counsel for the petitioners prayed that the effect operation and implementation of the order dated 11/03/2024 passed by the respondent No.3 /Tahsildar be stayed.

3. As per the contention the petitioner No.1 is a partnership firm and the petitioner nos. 2 and 3 are the partners of the said firm. The said firm runs business of the automobiles and is engaged in the business of selling of tractors and three wheelers. The petitioners are the owners of the plot Nos. 11 and 12 situated at Survey Nos. 90/1 and 90/2, Gat Nos. 255, Mouza-Rewsa, District Amravati. On the application of original owner, before the

Respondent No.2/Assistant Director of Town Planning, Amravati, the respondent No.2, recommended the layout plan for conversion into non-agricultural purpose. Thereafter, one Om Prakash Kodumal Khemchandani applied for permission to use the land for non-agricultural purpose which came to be allowed by order dated 20/02/1989. The said plot Nos. 11 and 12 were sold to Sunil Chandrashekhar Padole and Sushil Chandrashekhar Padole. The petitioners have purchased the said plots Nos. 11 and 12 from Sunil Chandrashekhar Padole and Sushil Chandrashekhar Padole in the name of partnership firm namely M/s Metro Motors. They have also applied for amalgamation of both the plots to the Tahsildar. The petitioners have constructed their showroom and have obtained no objection from the Gram Panchayat Rewsa for the construction. The petitioners have also obtained an order dated 19/01/2023 by which permission for commercial use of the consolidated plots was granted.

4. The respondent No.3-Tahsildar summoned the present petitioners to remain present in the office, wherein they informed that respondent No.2-Assistant Director of Town Planning, Amravati, has sent a letter dated 06/09/2023 wherein it is informed that there was an arithmetical mistake while calculating the area of plot Nos. 11 and 12. According to it the area of the plot No.11 ought to have been 612.41 sq.mtrs and plot No. 12 should have been 634.45 sq.mts. Therefore, the total land after

amalgamation of plots no.11 and 12 should have been 1246.86 sq.mtrs. instead of 1570.25.

5. The Tahsildar on the basis of letter given by the Assistant Director of Town Planning, Amravati registered a *Suo Moto* case against the present petitioners. The Tahsildar by ignoring the reply and documents filed by the petitioners, passed an order directing the correction to be made regarding 7/12 extract reducing the area. Being aggrieved with the same, the petitioners have filed the appeal before the respondent- Sub Divisional Officer which is still pending.

6. The respondent No.6 by taking advantage of this order, filed an application before the respondent No.3 for removal of the construction made on the above plots owned by the petitioners. The 75% of the constructed portion is already demolished and 25% is remained.

7. It is submitted by the learned counsel that, if the entire construction is demolished, then the petition would become infructuous. In view of that, at least to protect the said 25%, the parties be directed to maintain the status-quo.

8. Learned AGP strongly opposed the same and requested time for seeking instructions in the matter.

9. Considering the apprehension raised by the petitioner, at this stage, 75% constructed area is already

demolished and 25% is only remained, the parties to maintain status-quo till appearance of other respondents.

10. Issue notice to the respondents, returnable on 11/06/2024.

11. Learned AGP waives service of notice on behalf of respondent/State.

[URMILA JOSHI-PHALKE, J.]