



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 4463 OF 2024

(Smt. Rakhi wd/o Santu Das and another ..vs.. State of Maharashtra, through its Secretary, Mumbai
and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M.R. Joharapurkar, Counsel for the petitioners.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 31-07-2024

Heard the learned Counsel appearing for the petitioners.

2. The petitioners were served with a show cause notice in relation to the dues to be recovered by the respondent corporation which was not objected or at least no record to that effect is placed before us.

3. As a sequel of above, the respondents have taken recourse to the provisions of the Maharashtra Realization of Land Revenue Rules, 1967 (for short the "Rules").

4. Mr. M.R. Joharapurkar, learned Counsel for the petitioners submits that Rule 17 of the Rules cannot be said to be attracted in the case in hand for the reason that it does not include the corporation as what has been referred in Rule 17 is Government, local authority, co-operative society.

5. As such, he would urge that Rule 17 of the Rules has a restrictive applicability to the extent of the authorities made therein.

6. The fact remains that the petitioners have not objected to the show cause notice wherein the recovery was sought to be effected and accordingly the respondents have proceeded against the petitioners.

7. At this stage, Mr. M.R. Johrapurkar, learned Counsel appearing for the petitioners seeks time to address on the issue as to the objection, if any, raised by the petitioners to the show cause notice.

8. Similarly, we grant time to the Government Pleader Mr. D.V. Chauhan assisted by the learned Assistant Government Pleader Mr. H.R. Dhumale to assist this Court on the point whether Rule 17 of the Rules can be read down to mean and include the 'Tribal Development Corporation' also.

5. Issue notice to the respondents, returnable on 14-8-2024.

6. Mr. D.V. Chauhan, learned Government Pleader waives service for respondent Nos.1 to 3.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)