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IN THE HIGH COURT OF JUDICATURE AT BOMBAY CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 907 OF 2024

1. Tasgaonkar Industries Pvt. Ltd. }
A Company incorporated under the }
Relevant provisions of Companies Act, 1956 }
Having its office at Sumati Krishna Niwas, }
1st Floor, Near Hotel Ameya Shivsena }
Bhavan Path, Shivaji Park, Mumbai-400028 }
Through its authorized representative }
Nagsen Tukaram Kamble }
Age:52 years, Occu:Service }
Address as above. }
2. Tasgaonkar Universal Pvt. Ltd. }
A Company incorporated under the }
Relevant provisions of Companies Act, 1956 }
Having its office at Sumati Krishna Niwas, }
1st Floor, Near Hotel Ameya Shivsena }
Bhavan Path, Shivaji Park, Mumbai 400028 }
Through its authorized representative }
Nagsen Tukaram Kamble }
Age : Occu: Service }
Address as above. }.. **Petitioners**

Versus

1. State of Maharashtra }
Through its Addl. Chief Secretary }
Revenue Department, Mantralaya, }
Mumbai 400 001 }
2. Tahsildar }
Phaltan Taluka, District Satara. }
3. Sub Divisional Officer }
Phaltan Taluka, District Satara. }
4. Collector }
Satara District }
5. Divisional Commissioner, }

Pune Division, Pune.	}	
	}	
6. Sadashiv Buvasaheb Jadhav	}	
Age:53 at Rajale, Taluka: Phaltan	}	
District : Satara	}	...Respondents.

...

Mr. A. V. Anturkar, Senior Advocate with Mr. Atharva Date i/by Mr. Akshay Kapadia with Mr. Kishor Lawate, Mr. Vinod Shejwal, Advocates for the Petitioner.

Mr. S. B. Kalel, Assistant Government Pleader for the respondent nos.1 to 5.

...

**CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ.**

DATE : 7th FEBRUARY 2025.

ORAL JUDGMENT: (PER: A. S. CHANDURKAR, J)

1] Rule. Rule made returnable forthwith. In terms of the affidavit of service dated 06/02/2025 it is stated that on 12/01/2025 respondent no.6 was not present when the service was sought to be effected and his family members refused to accept the service.

2] It is the case of the petitioners that they have purchased various lands for being utilised for industrial purposes. The names of the petitioners were mutated in the revenue records accordingly. In view of complaints made by the respondent no.6, the mutation entries standing in the name of the petitioners were cancelled by the respondent no.2 on

24/01/2011. The Tahsildar passed the said order in exercise of jurisdiction under Section 63-1A of the Maharashtra Tenancy and Agricultural Lands Act, 1948 (for short, Act of 1948).

3] Pursuant to the amendment to the provisions of Section 63-1A of the Act of 1948, the petitioners sought restoration of their names in the revenue records. They had approached this Court by filing Writ Petition No.1780 of 2022 in that regard. By an order dated 28/02/2022, the petitioners were permitted to withdraw the said writ petition with liberty to file appropriate proceedings before the Collector, Satara. Pursuant to such liberty, the petitioners filed proceedings seeking exemption from compliance of the provisions of Section 63-1A of the Act of 1948 and also sought restoration of its names in the revenue records. The said proceedings were titled as an appeal and filed on 01/04/2022. On 08/09/2023, the Additional Collector, Satara disposed of the said proceedings by treating the same as an appeal under Section 247 of the Maharashtra Land Revenue Code, 1966. He held such appeal to be not maintainable and hence dismissed the proceedings. In the meanwhile, an application dated 09/03/2022 was also filed by the petitioners seeking a declaration that the lands purchased by the

petitioners could be utilised for bonafide industrial use in view of the amended provisions of Section 63-1A of the Act of 1948. The petitioners also sought restoration of their names in the revenue records. It is in that backdrop that the petitioners have filed this writ petition raising various prayers including challenge to the order dated 08/09/2023 passed by the Additional Collector, Satara.

4] We have heard the learned Senior Advocate appearing for the petitioners and the learned Assistant Government Pleader for respondent nos. 1 to 4. Undisputedly, the proceedings that were filed by the petitioners on 01/04/2022 before the Additional Collector were treated as proceedings filed under Section 247 of the Code. The same were rightly held to be not maintainable. In terms of Section 63-1A(6) of the Act of 1948 it is for the Collector to consider the grant of permission in the matter of non-initiation of bonafide industrial activities. Such request made by the petitioners on 09/03/2022 is yet to be considered by the Collector.

5] Considering the fact that the petitioners' application dated 09/03/2022 invoking the provisions of Section 63-1A is still

pending with the Collector, the following directions would serve the ends of justice:-

(i) The District Collector shall consider the petitioners' application dated 09/03/2022 and decide the same in accordance with law within a period of eight weeks from the date of receipt of the copy of this judgment. While doing so, respondent no.6 shall also be heard.

(ii) It is clarified that the order dated 08/09/2023 passed by the Additional Collector, Satara in the proceedings filed under Section 247 of the Code would not come in the way of such adjudication as said proceedings were not maintainable in law.

(iii) With the aforesaid directions, the writ petition is disposed of. All contentions on merits are kept open.

Rule is made absolute in aforesaid terms with no order as to costs.

(M. M. SATHAYE, J.)

(A. S. CHANDURKAR, J.)