

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO. 9055 OF 2024

Deepak Vallabhji Dedhia	...Petitioner
Versus	
The State of Maharashtra and Ors.	...Respondents

WITH
WRIT PETITION NO. 13963 OF 2024

Unnathi Associates	...Petitioner
Versus	
The State of Maharashtra and Ors.	...Respondents

Mr. Harshad Sathe a/w Deelip Satale i/b Saurabh Butala for the
Petitioner in WP/9055/2024.

Mr. Harshad Sathe a/w Deelip Satale i/b Harshad Bhadbhade for the
Petitioner in WP/13963/2024.

Mr. P.G. Sawant, Assistant Govt. Pleader for the Respondent/State.

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

DATE : 9th JANUARY 2025

P.C. :

1. Since the common issues have been decided by the common Judgment, Rule. Rule made returnable forthwith by consent of the learned counsel for the parties.

2. In both these Writ Petitions, order dated 04.01.2024 passed by the Tahsildar and the Executive Magistrate, Thane in proceedings under Section 48(7) of the Maharashtra Land Revenue Code, 1966, are under challenge. The principal ground of challenge is that the arguments on

behalf of the Petitioners were heard by the Tahsildar on 18.08.2021 and the proceedings were decided on 24.01.2024. In other words, on the ground that the proceedings were decided after a period of more than two and half years, it is submitted that the said order stands vitiated.

3. Affidavit-in-Reply has been filed by the concerned Tahsildar seeking to explain the reason for the delay in deciding the said proceedings. According to him, because of heavy workload, he could not decide the aforesaid proceedings. As he was due for transfer in January 2024, he took a review of all such matters in October 2023. When he noticed that these matters were not decided, he passed the impugned order on 24.01.2024.

4. We do not find that the reason assigned by the Tahsildar could be a justifiable reason for not deciding the proceedings after having heard the parties two and half years ago. The reference in this regard can be made to the decisions in *Anil Rai v/s. State of Bihar (2001) 7 SCC 318* and *Pradeep v/s. State of Maharashtra (2007) 1 AIR Bom R 80*, wherein this Court has observed that in such proceedings, the order should be passed expeditiously.

5. In that view of the matter, we find that the delay caused in deciding the said proceedings which is exceeding two and half years would be the sole reason for setting aside the impugned order and directing the Tahsildar to re-consider the matter and decide the proceedings afresh in accordance with law.

6. Accordingly, the following order is passed.

(i) The order dated 04.01.2024 impugned in both

the Writ Petitions, is quashed and set aside.

(ii) The Tahsildar, Thane shall re-consider the matter and decide the same expeditiously in accordance with law.

(iii) The Petitioners shall be given due opportunity to present their case. It is clarified that this Court has not examined the merits of the challenge and all points on merits are kept open.

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

8. The parties to act on an authenticated copy of this order.

(M.M. SATHAYE, J.)

(A.S.CHANDURKAR, J.)