

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10477 OF 2024

Bhushan Virendra Ambekar
and Ors.

....*Petitioners*

: *Versus* :

1. M/s. Wada High Tech Weaving Park
Ltd. through its Authorized Signatory
Mr. Subhaschandra Venkataraya Prabhu
2. The State of Maharashtra

....*Respondents*

Mr. Shashank C. Mangle i/by. *Mr. Yogesh Keny a/w. Mr. Atharv Gidaye, Mr. Tanmay M. Shembavanekar, for the Petitioners.*

Mr. Ramakant Paranjape with *Mr. Kiran Patil for Respondent No.1.*

Mrs. M.S. Bane, *AGP for Respondent No.2-State.*

CORAM : SANDEEP V. MARNE, J.

DATED : 20 January 2025.

P.C. :

1) The petition challenges the order dated 2 April 2024 passed by the Maharashtra Revenue Tribunal (**Tribunal**) allowing Revision filed by Respondent No.1 and setting aside the order dated 26 August 2022 passed by the Sub-Divisional Officer, Wada under the provisions of Section 63-1A of the Maharashtra Tenancy and Agricultural Lands Act, 1948 (**the Act**).

2) It appears that one of the main contentions raised by Respondent No.1 while challenging the order of the Sub-Divisional Officer was that the Sub-Divisional Officer did not have jurisdiction to entertain and decide the application under Section 63-1A of the Act as Thane-Palghar-Raigad Regional Planning Board is vested with jurisdiction to decide the said proceedings vide Notification dated 6 January 2018. While this contention is noted by the Tribunal, apparently no finding is recorded by it on this aspect. Since the issue of jurisdiction would go to the root of the matter, it would be appropriate that the Tribunal would apply its mind to the issue of jurisdiction based on Notification dated 6 January 2018. Therefore, the order dated 2 April 2024 passed by the Tribunal is set aside and Revision preferred by Respondent No.1 is restored on the file of the Tribunal to be decided afresh on its own merits after taking into consideration the effect of Notification dated 6 January 2018. All rights and contentions of the parties on the issue of jurisdiction, as well as, on merits are expressly kept open to be agitated before the Tribunal. With the above directions, the Writ Petition is partly **allowed and disposed of.**

[SANDEEP V. MARNE, J.]

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