

Rekha Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10136 OF 2024

Sanjeev Ramachandra Bhujbal (since deceased) ...Petitioners
Through L.Rs. 1-A Shalini Sanjeev Bhujbal & Ors.

Versus

State of Maharashtra and Ors. ...Respondents

WITH

WRIT PETITION NO. 12885 OF 2024

Paul Rozario Alveres (since deceased) ...Petitioners
Through L.Rs. 1A- Rockey Paul Alvares & Ors.

Versus

State of Maharashtra and Ors. ...Respondents

Mr. Mohan Gawade, for the Petitioners in WP/10136/2024.

Mr. Anil V. Anturkar, Senior Advocate with Dormaan J. Dalal, for
the Petitioners in WP/12885/2024 and for the Respondent
Nos. 5A to 5D in WP/10136/2024.

Mr. N. C. Walimbe a/w Ms. P. J. Gavhane, AGP, for the Respondent
Nos. 1 to 4-State.

**CORAM: SUMAN SHYAM &
S. M. MODAK, JJ.**

DATED: 3rd DECEMBER, 2025.

PC:-

1. Heard Mr. Gawade, learned Counsel appearing for the
Petitioner in Writ Petition No. 10136 of 2024 and Mr. Anturkar,
learned Senior Advocate, appearing for the Petitioner in Writ
Petition No. 12885 of 2024. Also heard Mr. Walimbe, learned
Addl. G. P, appearing for the State in both the Writ Petitions.

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2. Some common questions of law and facts are involved in these two Writ Petitions. Therefore, those are being taken up for analogous consideration.

3. The Petitioner in Writ Petition No. 12885 of 2024 is an Ex-Army Man. He was allotted a plot of land in the year 1976 with certain terms and conditions, including the condition that within two years from the date of allotment, the Petitioner must commence agriculture activities therein. Alleging that the Petitioner had failed to commence agricultural activities within the stipulated time, the allotment was cancelled and thereafter, possession of the land was also taken over. Subsequently, the possession of the land had been given to the Writ Petitioner in Writ Petition No. 10136 of 2024, who is admittedly enjoying the possession of the land as on date.

4. Being aggrieved by the order of cancellation of the allotment, the Petitioner in Writ Petition No. 12885 of 2024 had preferred Revision Application before the Hon'ble Revenue Minister, State of Maharashtra, which was rejected by the order dated 29th March, 2006.

5. Assailing the order dated 29th March, 2006, the Petitioner in Writ Petition No. 12885 of 2024 has preferred Writ Petition No. 7623 of 2007, which is pending consideration before the learned Single Judge.

6. Meanwhile, the Petitioner in Writ Petition No. 10136 of 2024 has submitted a Representation before the Jurisdictional SDO, *inter alia*, contending that as per the Rules, the Petitioner in Writ

Petition No. 12885 of 2024 could not have been allotted the plot of land at all since he was having more than three children living as on 15th August, 1968. Since the said Representation has not been considered by the SDO, the Petitioner has approached this Court by filing Writ Petition No. 10136 of 2024 seeking a direction from this Court to consider the Representation.

7. The Petitioner in Writ Petition No. 12885 of 2024 i.e. the original allottee of the land, has approached this Court by filing the above Writ Petition, *inter alia*, contending that since the issue of validity of the order dated 29th March, 2006, is still under scrutiny of this Court, no further action by the SDO is contemplated in the matter, as on date. Therefore, the concerned Authority be restrained from considering the Representation submitted by the other Petitioner.

8. After hearing the arguments made at the bar, we find that there is consensus about the fact that if the Petitioner fails in Writ Petition No. 7623 of 2007, then the question of restoration of possession of the land in his favour would not arise in the eyes of law, in which event the Representation pending before the SDO would also become redundant.

9. In such an eventuality, the question, as to whether, the said Petitioner (Ex-Army Man) could at all have been allotted the land in the year 1976 would merely be an exercise in academic importance, which may not at all be necessary in the facts of this case.

10. Under such circumstances, we are of the view that until such time the Writ Petition No. 7623 of 2007 is disposed of by the learned Single Judge, permitting the SDO to proceed further with the Representation submitted by the Petitioner in Writ Petition No. 10136 of 2024 may cause serious prejudice to the interest of the other party.

11. Situated thus, we dispose of both the Writ Petitions by providing that subject to the final order that may be passed in Writ Petition No. 7623 of 2007, it would be open for both the parties to seek appropriate legal remedy, as may be permissible under the law, including reviving their plea raised in the respective Writ Petitions, after the Writ Petition No. 7623 of 2007 is finally disposed of by the learned Single Judge.

12. Until such time, Writ Petition No. 7623 of 2007 is finally disposed of, no further action shall be taken in the matter by the concerned SDO.

13. Consequently, the Representation filed by the Petitioner in Writ Petition No. 10136 of 2024 shall be kept pending in the record of the SDO.

14. Both the Writ Petitions stand disposed of accordingly.

(S. M. MODAK, J.)

(SUMAN SHYAM, J.)