

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14309 OF 2024

Haresh Mohandas Lalwani And Anr.	...Petitioners
Versus	
State of Maharashtra through	
Principal Secretary And Ors.	...Respondents

Mr. Girish Agrawal a/w Mr. Shubham Jangam for the Petitioners.
Mr. Y.D. Patil, A.G.P. for Respondent No.1-State.
Ms. Minal Chandnani for Intervener.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 1 APRIL 2025

P.C.:

1. We have heard Mr. Agrawal, learned counsel for the petitioners and Mr. Patil, learned A.G.P. on behalf of respondent no.1-State. There is an intervention, which is sought to be made, however, no intervention application is filed.

2. Mr. Agrawal, at the outset, has fairly drawn our attention to an order 24 January 2024, passed by this Court on Writ Petition No.1099 of 2024. By such order this Court while disposing of the said writ petition issued certain directions, that the Divisional Commissioner, Konkan Division shall look into every aspect of the petitioners rights and documents, which the petitioners intend to rely upon in the inquiry the

Divisional Commissioner was undertaking in regard to the lands of the petitioners namely lands (1) Unit No.348, 349, Plot No.345 (Part), Sheet No.72, Ulhasnagar-2, (2) Plot No.14/1 (part), Plot No.14/2 (part), Plot No.14/3 (part), in front of *Barrack* No.492, Ulhasnagar-2.

3. The cause for the petitioners to approach this Court, again by the present petition, is in view of the fresh notice, which was issued to the petitioners by the Administrative Officer/SDO, Ulhasnagar, whereby pending such inquiry being held by the Divisional Commissioner, the petitioners have been called upon to maintain *status quo* in regard to the lands in question by the impugned communication dated 15 July 2024.

4. After hearing learned counsel for the parties, we are of the opinion that the impugned communication dated 15 July 2024, has merely intended to protect the *status quo* so that no third party rights are created, as the inquiry is pending before the Divisional Commissioner, Konkan Division. We are also informed that the Divisional Commissioner, Konkan Division, has heard all the parties and is in the process of passing orders.

5. In this view of the matter, we are of the opinion that this petition is also premature and will be required to be disposed of, keeping open all contentions of the parties in the proceedings before the Divisional Commissioner, Konkan Division and the orders, which are proposed to be passed by the Divisional Commissioner, Konkan Division.

6. Needless to observe that in the event, the Divisional Commissioner,

Konkan Division takes a view which in any manner prejudicially affects the rights of the petitioners, the petitioners are free to take recourse to an appropriate remedy, as the law may permit. All contentions of the parties in that regard are expressly kept open.

7. The Divisional Commissioner, Konkan Division, is directed to pass appropriate orders, in accordance with law within a period of four weeks from today.

8. Petition stands disposed in the aforesaid terms.

9. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]