

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.14675 OF 2024

Raakesh Rajendrakumar Agarwal

.. Petitioner

Versus

State Of Maharashtra Thr. Revenue Minister and
 Ors.

.. Respondents

.....

- Mr. Kishor Patil a/w Mr. Amol Mhatre and Ms. Sonal Dabholkar, Advocates for Petitioner.
- Mr. Rajesh Kachare i/by Mr. Dilip Shinde, Advocate for Respondent Nos. 3/1 to 3/8.
- Ms. Molina Thakur, AGP for Respondent – State.

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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 17, 2025

P. C.:

1. Heard Mr. Patil, learned Advocate for Petitioner; Mr. Kachare, learned Advocate for Respondent Nos.3/1 to 3/8 and Ms. Thakur, learned AGP for Respondent – State.

2. Mr. Patil, learned Advocate for Petitioner would submit that he needs to implead Budhaji Laxman Kumbhare as Respondent No.3(8) in the cause title of the Petition primarily because he is also one of the legal heirs of deceased Laxman Babu Kumbhare and inadvertently his name was left out when the legal heirs of Laxman Babu Kumbhare were impleaded as respondents previously. Amendment to that effect is permitted and directed to be carried out forthwith in the presence of Court itself. Re-verification stands dispensed with.

3. Petitioner and private Respondents have executed consent terms dated 17.06.2025 in the present Writ Petition. Consent terms are taken on record and marked as Exhibit “X” for identification purpose.

3.1. Petitioner and Respondent Nos. 3(2), 3(3), 3(4), 3(5), 3(6), 3(7) and 3(8) are all present in Court before me. They all have been identified by their Advocates Mr. Patil and Mr. Kachare before me. They consent to have executed the consent terms.

3.2. Primarily by virtue of consent terms, parties have agreed to comply with implementing the impugned order passed by the Hon’ble Revenue Minister by jointly approaching Competent Authority namely the Collector for seeking statutory permission under the provisions of Section 36 read with 36A of the Maharashtra Land Revenue Code, 1966 and accordingly decide their *interse* rights in respect of subject property which is the subject matter of present Writ Petition namely land bearing Survey No.185 Hissa No.2 situated at Chandrapada, Taluka Vasai, District Palghar (said property).

3.3. Consent terms are contained in 19 pages. 7/12 Extract of the said property is appended at page No.10. Consent terms from page No.1 to 9 upto the execution clause are scanned and reproduced hereinbelow:-

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M. Jadhav
12/6/2025

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14675 of 2024

DISTRICT: PALGHAR

Shri. Raakesh Rajendrakumar Agarwaal
Age-55 years, occupation-business & Agriculture,
Residing at VillaRajprabha, Ambadi Road,
Vasai, Palghar. ...Petitioner
v/s

- 1) The State of Maharashtra
Mantralay, Mumbai
- 2) The Collector
- 3) Laxman Babu Kumbhare
(deceased through legal heirs)
- 3(1) Yamunabai Laxman Kumbhare (deceased)
- 3(2) Harishchandra Laxman Kumbhare
- 3(3) NayanaMahaadeoPadwal
- 3(4) Pramila Mahadeo Ghatal
Alias Premabai Mahadeo Ghatal
- 3(5) Baby Vishnu Jadhav
Alias Laxmi Vishnu Jadhav
- 3(6) Nalini Hanuman Bhoir
- 3(7) Kalavati Laxman Parad
Alias Kavita Laxman Parad

3(8) Budhaji Laxman Kumbhare.

Mumbai 400057

...Respondents

CONSENT TERMS

1. The aforesaid writ petition has been filed by the petitioner challenging the order passed by the Ld. Collector, Ld. Addl. Commissioner, and the Hon'ble Revenue Minister, Mantralaya, Mumbai.
2. We state and submit that by the said order the revenue authority has refused to exercise powers in favour of the Petitioner on technical grounds. It is a fact on record that the Petitioner and the Predecessor of the Respondents, Laxman Babu Kumbhare (Deceased) had entered into an agreement of Sale dated 11/12/2004, whereby it was agreed between the parties that the Respondents-predecessor would obtain all the necessary permissions and execute conveyance in favour of the Petitioner herein.
3. We state and submit that the amount of consideration agreed between the parties at the said relevant time was Rs 20,50,000/- However, due to some communication gap, the Respondents Predecessor Mr Laxman Babu Kumbhare did not fulfil their

commitments as per the said agreement and therefore the Petitioner had to file a suit i.e. Special Civil Suit no.1/2009 before the Civil Judge (SD) Vasai.

4. After the filing of the suit an issuance of the suit summons, the said suit was settled between the parties by way of compromise. Accordingly, the Ld. Civil Court was pleased to accept the said compromise and pass compromise decree on 03/03/2009, wherein the Trial Court directed the Petitioner to pay an amount of Rs 9,70,000/- to the Predecessor of the Respondents.
5. We state and submit that thereafter requests were made to the Respondents Predecessor to obtain necessary permission as per the compromise deed. However, as the Respondents Predecessor failed, and the Petitioner applied for necessary permission from the Ld. Collector. The Petitioner complied with all the formalities. However, as the compromise decree was passed, the Petitioner informed the Collector that the consent of the tribal at the said relevant time would not be necessary. However, for the said reason the Ld. Collector did not process the Application filed by the Petitioner, for grant of permission under Sec. 36A. and observed that compliances are not made.

6. We state and submit that the Petitioner had complied with all the formalities except filing affidavit reflecting the consent of tribals which was already recorded by the Civil Court in the said Consent Terms dt. 3.3.2009. The Ld. Collector therefore did not process the said application for the said reasons. At the said relevant time the Petitioner had already informed the Collector that the parties have executed Compromise Deed before the Civil Court which is accepted by the Civil Court. However, the Collector refused to entertain the said application by it's order dt. 27/04/2022.
7. We state, and submit that the said order passed by the Collector was challenged by the Petitioner before the Addl. Commissioner.
8. The Addl. Commissioner, Konkan Division Mumbai, however, by order dated 01/08/2022, refused to entertain the application filed by the Petitioner and confirmed the order passed by the Ld. Collector.
9. The said order passed by the Addl. Commissioner was subject matter of challenge before the Hon'ble Revenue Minister, The Revenue Minister however, did not interfere with the order

passed by the lower authority and confirmed the order passed by the Ld. Collector by its order dated 02/08/2024.

10. Being aggrieved by the said order the present petition has been filed by the Petitioner before this Hon'ble Court challenging the said orders.

11. The parties herein submit that during the pendency of the present Writ Petition, after necessary negotiations, the Petitioner and the Respondent no. 3(2) to 3(8) have entered into settlement for putting an end to the litigation between the parties.

12. The parties have amicably settled the dispute and therefore, the need for adjudication of the present Writ Petition does not survive.

13. The parties to the present proceedings have agreed to settle their dispute by appearing before the Collector for obtaining permission under Sec. 36 and Sec. 36A in favour of the present Petitioner, on following terms and conditions:

1. The parties herein agree that as per the decree passed by the civil court, the Respondents shall consent for grant of permission in favour of the Petitioner under Sec. 36 and 36A of the Maharashtra Land Revenue Code.

2. The parties herein agree that by the said settlement Shri.

Raakesh Rajendrakumar Agarwaal has agreed to pay an amount of Rs.5.5lacs per guntha (Total Amount 4.51 Crore)

as full and final settlement to the present Respondents no 3(1) to 3(8).

3. We state and submit that in furtherance of the of the said

Consent Terms, the respondents shall execute all the necessary Affidavits and undertakings necessary to be filed

before the Ld. Collector. We, Respondents No. 3(1) to 3(8), state and submit that we hereby agree that we have no objection for grant of permission under Sec. 36 and 36A to Shri. Raakesh Rajendrakumar Agarwaal the present Petitioner herein, in accordance with the agreement and the decree passed by the Civil Court.

4. We state and submit that in light of the Consent Decree, there was no need for deponent to execute any affidavit. However, as the objection has been raised by the Ld. Collector, that the consent affidavit are not filed, the affidavits will be executed in compliance of the said objection raised by Ld. Collector and the same shall be produced before the Ld. Collector in compliance of requirement of Sec. 36A of the Maharashtra

Land Revenue Code, along with all other compliances to be complied with.

5. We state and submit that in addition to filing and producing the present affidavit, the Respondents undertake to appear before the Ld. Collector as and when required along with the Petitioner.
6. We state and submit that the present Petitioner has since the date of execution of the agreement has complied with all the requirements under the said agreement and has paid the entire amount of consideration to the Respondent over and above the agreed amount. The amount payable as per the decree was Rs.20,50,000/- and the Petitioner till date has paid an amount of Rs.51,10,000/- to the present Respondents.
7. The additional amount as agreed to be paid by the Petitioner over and above the amount already paid shall be paid in 3 instalments i.e. 25% within one week from the date of filing of the Consent terms, 25% on receiving the Sale Permission from Collector and balance 50% after the execution of the Conveyance Deed, and the present Respondents have no objection in grant of permission under Sec. 36 and 36A of the Maharashtra Land Revenue Code to the present Petitioner

and complying with all the formalities as per the provisions of law.

14. The present consent terms are executed by the present Petitioner/s and the present Respondents with free will and without any coercion or duress, understanding the contents in the language known to them, i.e. Marathi.

Solemnly declared at Mumbai]

This day of 17th June, 2025]

(Explained and Interpreted in the language known to the Respondents i.e. Marathi)

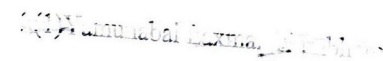

Petitioner

Identified by me


Advocate for Petitioner

Before me

Respondents no. 3(2) to 3(8)



3(2) Harishchandra Laxman Kumbhare

हरिचंद्र लखमण कुम्भारे

3(3) NayanaMahaadeoPadwal .

नयना महादेव पडवले

3(4) Pramila Mahadeo Ghatal
Alias Premabai Mahadeo Ghatal.

प्रेमा महादेव घाटाल

3(5) Baby Vishnu Jadhav
Alias Laxmi Vishnu Jadhav.

लक्ष्मी विष्णू जाधव

3(6) Nalini Hanuman Bhoir.



3(7) Kalavati Laxman Parad
Alias Kavita Laxman Parad.

कविता लक्ष्मण पराडे

3(8) Budhaji Laxman Kumbhare.

A. ...

बुधाजी लक्ष्मण कुंभारे

Advocate for the Respondents

4. Ms. Thakur, learned AGP appears for Respondent namely State and its functionaries. Copy of the consent terms is given to her. She has perused the same. She has no objection. There is no impediment in my opinion after going through the consent terms in view of the agreement between the parties to approach the Collector as stated in paragraph No.13.3 of the consent terms.

5. Private parties namely Petitioners and legal heirs of Respondent No.3 who have entered into the Consent terms undertake to abide by the rights and obligations mentioned in the consent terms. Their undertaking in the Consent terms is taken as undertaking given to the Court.

6. Order is passed in terms of Consent terms hereinabove.

7. Writ Petition No.14675 of 2025 is disposed in above terms.

[MILIND N. JADHAV, J.]