

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.19166 OF 2024

Raju Mukund Harvate

...Petitioner

V/s.

The State of Maharashtra and Ors.

...Respondents

Mr. Ketan Joshi *for the Petitioner.*

Ms. Sulbha D. Chipade, *AGP for Respondent-State.*

Mr. Akshay Purkar *i/b. Mr. Sushant Joshi for Respondent No.3.*

CORAM : SANDEEP V. MARNE, J.

Dated : 27 January 2025.

P.C. :

1) Petition challenges order dated 7 June 2024 passed by the learned Minister (Revenue) rejecting the Review Application preferred by the Petitioner for review of the order dated 26 August 2014.

2) Petitioner earlier wanted to either self develop the property or get the same developed through a Developer and accordingly filed an Application for grant of permission under Section 36A of the Maharashtra Land Revenue Code, 1966 (**the Code**). The said Application was allowed by order dated 26

August 2014 granting permission to the Petitioner to either undertake self development or development through a Developer.

3) It appears that dispute arose between Petitioner and Respondent No.3-Developer, which got settled in an arbitration and parties agreed that instead of executing development agreement it would be better that land is sold to Respondent No.3-Developer. Accordingly, Application was filed seeking review of order dated 26 August 2014 for correcting the order by replacing the nature of transaction from self development /development through developer, to that of absolute sale. Instead of deciding the said prayer on merits, the learned Minister appears to have rejected the Application by holding that none of the grounds of review are made out. The learned Minister failed to appreciate that failure to correct the permission order dated 26 August 2014 would necessitate filing of a fresh application just because of the nature of transaction between the parties has undergone change. Minister has not applied his mind to the fact whether permission can be granted for absolute sale or not. In my view therefore, the proceedings deserve to be remanded for being decided afresh by the learned Minister by applying his mind to the position whether nature of the transaction reflected in the permission order dated 26 August 2014 can be changed or not.

4) Petition accordingly partly succeeds. Order dated 7 June 2024 passed by the learned Minister in Review Application is set aside. Review Application filed by the Petitioner stands restored

on the file of learned Minister, who shall decide the same afresh in the light of observations made in the order.

5) The Writ Petition is accordingly disposed of.

[SANDEEP V. MARNE, J.]