

Gitalaxmi

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2064 OF 2025

The Tata Power Company Limited & Anr. ... Petitioners

V/s.

The State of Maharashtra
Through its Principal Secretary, Revenue
Dept., Mumbai & Ors. ... Respondents

Mr. Girish Godbole, Sr. Adv. a/w Mr. Bhushan Deshmukh, Mr. H. N. Vakil, Mr. Samkit Shah & Mr. Farhad Vakil i/b Mulla and Mulla and Craigie Blunt & Caroe, Adv. for the Petitioners.

Mr. B. V. Sawant, Addl. G.P a/w Ms. Tanu N. Bhatia, A.G.P. for the State-Respondent Nos. 1, 2 & 4.

Mr. Tejesh Dande (Through V.C.) a/w Mr. Bharat Gadhavi & Trushna Shah i/b Tejesh Dande & Assoc., Adv. for Respondent No. 5.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 18, 2025

PC.:

1. Upon a meticulous examination of the impugned order, it is *prima-facie* evident that the exercise of powers by Respondent No. 3 is tainted by considerations extraneous to the statutory scheme. The said order does not reflect due adherence to the principles governing the exercise of quasi-judicial discretion and, at the very least, raises a serious question regarding the propriety and legality of the decision-making process. In the absence of any cogent reasoning or reference to relevant statutory provisions justifying the impugned action, the Court deems it necessary to direct

Respondent No. 3 to file his personal affidavit explaining the circumstances and rationale that prompted him to pass the impugned order. Such an affidavit shall be comprehensive and disclose all material considerations that weighed upon the mind of Respondent No. 3 while rendering the decision in question.

2. Furthermore, a perusal of the impugned order unequivocally reveals that Respondent No. 3 has himself recorded a categorical finding acknowledging that the Petitioners had purchased the suit property as far back as the year 1936. In light of this admitted factual position, it is incumbent upon this Court to scrutinize the legality of Respondent No. 3's intervention, particularly in the context of the limited scope of jurisdiction conferred under Section 155 of the Maharashtra Land Revenue Code, 1966. The provision in question is intended to rectify arithmetical or clerical errors of a manifest nature and does not empower the concerned authority to reopen settled rights or adjudicate substantive disputes. This position finds support in judicial pronouncements which have consistently held that statutory provisions conferring powers of correction must be construed strictly, and any attempt to exercise such powers beyond their intended purpose amounts to a jurisdictional overreach.

3. It is trite law that a statutory authority cannot transgress the limits of its conferred jurisdiction under the guise of a microscopic enquiry. In the instant case, Respondent No. 3, while purportedly acting within the narrow contours of Section 155 of the Maharashtra Land Revenue Code, 1966, has in effect adjudicated upon substantive rights of the parties. Such an approach is

impermissible in law and runs afoul of well-settled principles of judicial review, which frown upon administrative or quasi-judicial orders that travel beyond the scope of statutory powers. It is well-settled that public authorities are bound by the contours of their statutory mandate and cannot act beyond their legally conferred jurisdiction. The impugned order, having far-reaching consequences, necessitates a detailed examination by this Court. Accordingly, Respondent No. 3 is directed to file his personal affidavit within two weeks, elucidating the rationale behind the order. He shall also remain personally present before this Court on the next date of hearing to address any queries that may arise in the course of the proceedings.

4. Stand over to **4th March, 2025**.

5. In the meantime, in order to protect the subject matter of the litigation from irreparable prejudice and to prevent further complications arising from the impugned order, this Court deems it appropriate to grant ad-interim relief in terms of prayer clause (b), which shall remain in force until further orders.

(AMIT BORKAR, J.)

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KRISHNA
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