

VRJ

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

WRIT PETITION NO.4119 OF 2025

VAIBHAV
RAMESH
JADHAV

Digitally signed by
VAIBHAV
RAMESH JADHAV
Date: 2025.03.27
18:52:40 +0530

Mohan Gajanan Khismatrao

... Petitioner

V/s.

The State of Maharashtra,

Through Its Principal Secretary,

Department of Revenue & Forest & Ors.

... Respondents

Mr. Yogeshwar S. Bhate with Kuldip T. Pawar for the petitioner.

Ms. A. A. Nadkarni, AGP with Mr. Shahaji Shinde, 'B' Panel Advocate for the State-respondent Nos.1 to 3.

CORAM : AMIT BORKAR, J.

DATED : MARCH 27, 2025

P.C.:

1. The challenge in the present Writ Petition is to the legality and validity of the order dated 12th February 2025, issued by the Sub-Divisional Officer, Ulhasnagar Division, Ulhasnagar, whereby the petitioner has been called upon to deposit an amount of ₹6,05,63,451/- within a period of eight days from the date of the order. The said communication further stipulates that, in the event of failure to deposit the aforesaid amount within the stipulated time, coercive steps shall be taken for recovery of the said amount by resorting to the powers vested in the Revenue Authorities under the provisions of the Maharashtra Land Revenue Code, 1966,

including attachment and sale of the property.

2. It appears from the record that the present action has emanated pursuant to a suo motu cognizance taken by the Maharashtra Human Rights Commission, Mumbai in Case No. 1342/13/30/2022 dated 7th July 2022, whereby serious allegations of siphoning and misappropriation of Government funds have been levelled. Based on the said allegations, criminal proceedings for various offences appear to have been initiated against the petitioner and other accused persons. The core allegation pertains to the alleged misappropriation of compensation amount awarded under the Land Acquisition Act, which is stated to be to the tune of ₹19,84,11,905/-. It is alleged that the said amount was fraudulently siphoned off by the accused, including the petitioner herein.

3. In this background, if the Revenue Authorities intend to recover any portion of the said amount from the petitioner or seek to fix any civil liability upon him, such recovery can only be made by following the due process of law as prescribed under the relevant statutory provisions. It is a well-settled position in law that before any monetary liability can be fastened upon an individual, especially by the State, a proper adjudication of such liability must be undertaken by a competent authority. Such adjudication necessarily involves affording an opportunity of hearing to the person concerned, determining the role attributable to such person in the alleged misappropriation, and quantifying the exact amount recoverable, if any, from him. Only upon conclusion of such adjudication process, can any coercive step,

including attachment or sale of property under the Maharashtra Land Revenue Code, be initiated.

4. In the present case, it clearly emerges from the record that no such adjudication has been conducted by any competent authority or Court of law. The impugned order dated 12th February 2025 proceeds on the presumption of liability, without determination of the exact role of the petitioner or affording him a reasonable opportunity of being heard. The invocation of powers under the Maharashtra Land Revenue Code, 1966, in the absence of such adjudication, is ex-facie unsustainable and violative of the principles of natural justice.

5. In view of the aforesaid discussion, the impugned order dated 12th February 2025 issued by the Sub-Divisional Officer, Ulhasnagar Division, Ulhasnagar is liable to be and is accordingly quashed and set aside.

6. However, this Court does not intend to foreclose the rights of the Revenue Authorities to initiate appropriate proceedings, if so advised, in accordance with law. It shall be open for the competent authority to initiate fresh proceedings against the petitioner, after affording him due notice and reasonable opportunity of hearing. The authority shall undertake a proper assessment, in accordance with law, to determine the liability of the petitioner, if any, and the quantum thereof, and only upon conclusion of such process, take any steps for recovery in accordance with law.

7. The writ petition is accordingly disposed of in the above terms. There shall be no order as to costs.

8. Pending interlocutory application(s), if any, stand disposed of.

(AMIT BORKAR, J.)