

Shabnoor

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

WRIT PETITION NO.6075 OF 2025

Prakash Panjumaal Kukreja	... Petitioner
V/s.	
Haresh Lalwani & Ors.	... Respondents

Mr. Rohit D Joshi for petitioner.

Mr. Girish R. Agrawal for respondent Nos.1 and 2.

Mr. Sanjay D. Rayrikar, AGP for State – respondent
Nos. 3 to 6.

CORAM : AMIT BORKAR, J.

DATED : MAY 8, 2025

P.C.:

- 1. Rule.**
- 2. Rule is made returnable forthwith.**
- 3. The petitioner invokes the jurisdiction of this Court under Articles 226 and 227 of the Constitution of India to assail the legality and propriety of the order dated 18th June 2021, passed by respondent No.4 in Revision Application No.55 of 2021, purportedly in exercise of powers under Section 24 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (hereinafter referred to as “the said Act”). The revision was directed against a communication dated 11th April 2018, emanating from the office of the Sub-Divisional Officer, Ulhasnagar**

(Managing Officer). The principal contention urged on behalf of the petitioner is that the said communication does not partake the character of an “order” within the meaning of Section 24 of the said Act, and hence, no revision could have been entertained thereagainst. To appreciate the contours of the submission and to determine the maintainability of the revision, it becomes necessary to advert to the statutory text of Section 24 of the said Act, which reads as follows:

“Section 24.- Power of revision of the Chief Settlement Commissioner:--

(1) The Chief Settlement Commissioner may at any time call for the record of any proceeding under this Act in which a Settlement Officer, an Assistant Settlement Officer, an Assistant Settlement Commissioner, an Additional Settlement Commissioner, a Settlement Commissioner, a managing officer or a managing corporation has passed an order for the purpose of satisfying himself as to the legality or propriety of any such order and may pass such order in relation thereto as he thinks fit.

(2) Without prejudice to the generality of the foregoing power under sub-section (1), if the Chief Settlement Commissioner is satisfied that any order for payment of compensation to a displaced person or any lease or allotment granted to such a person has been obtained by him by means of fraud, false representation or concealment of any material facts, then notwithstanding anything contained in this Act, the Chief Settlement Commissioner may pass an order directing that no compensation shall be paid to such a person or reducing the amount of compensation to be paid to him or as the case may be, canceling the lease or allotment granted to him; and if it is found that a displaced person has been paid compensation which is not payable to him or which is in

excess of the amount payable to him, such amount or excess, as the case may be, may on a certificate issued by the Chief Settlement Commissioner, be recovered in the same manner as an arrear of land revenue.

(3) No order which prejudicially affects any person shall be passed under this Section without giving him a reasonable opportunity of being heard.

(4) Any person aggrieved by any order made under subsection (2) may within thirty days of the date of the order make an application for the revision of the order in such form and manner as may be prescribed to the Central Government and the Central Government may pass such order thereon it thinks fit.”

4. The plain language of Section 24 manifests a legislative intent to confer upon the Chief Settlement Commissioner a revisional jurisdiction of a supervisory nature over orders passed by officers specified therein. The expression used is “passed an order,” and the jurisdiction exercisable thereunder is for satisfying oneself as to the *legality or propriety* of any such order. The structure of Chapter IV of the Act, under which Section 24 finds place, indicates that the officers enumerated therein are vested with quasi-judicial functions, particularly in adjudicating disputes and administering rights and obligations arising under the scheme of the Act. The co-textual reading of Sections 22 to 27 reveals a consistent pattern: the orders contemplated are those which affect the civil rights of displaced persons and involve adjudication on facts and law. The import of the term “order” in this context cannot be divorced from its quasi-judicial character. Therefore, unless a pronouncement made by the officer under the Act is determinative

of the rights of parties or bears the attributes of a quasi-judicial decision, it cannot be brought within the ambit of Section 24.

5. This interpretation receives judicial affirmation in the judgment of the Coordinate Bench of this Court in *Dattatraya Mahadev Ugale v. State of Maharashtra*, 2024 SCC OnLine Bom 1326, wherein this Court, while construing analogous expressions under Section 154 of the Maharashtra Cooperative Societies Act, 1960, held that only orders that have the trappings of a decision affecting substantive rights can be subjected to revisional scrutiny. A mere administrative or procedural communication cannot be elevated to the status of an order capable of being revised under a provision designed to correct jurisdictional or legal infirmities in adjudicatory orders.

6. In the present case, the impugned communication dated 11th April 2018, issued by the Managing Officer, Ulhasnagar, is merely a directive to the City Survey Officer seeking a factual report pertaining to certain matters, presumably for onward transmission to the State Government. The communication neither determines any right nor imposes any liability. It is, at best, preparatory or procedural in nature. Such a document does not possess the attributes of finality or decisiveness that are hallmarks of quasi-judicial orders. The language of the communication is indicative of a request for information, and not an exercise of adjudicatory power. The settled canon of construction that substance must prevail over form applies with full vigour in such matters. Merely because a document emanates from a statutory officer does not clothe it with the character of an “order” under

Section 24, unless it satisfies the substantive indicia of a quasi-judicial pronouncement.

7. That apart, the stand taken by the contesting respondents fortifies the position that the said communication cannot be construed as a revisable order. In paragraph 28 of the pleadings, the respondents themselves acknowledge that no order was passed or communicated to them by the Managing Officer. What they have understood is that the Managing Officer forwarded his opinion for guidance, which was pending consideration before the Collector. A document that neither imposes obligations nor confers rights and remains at the stage of an inter-departmental communication cannot, by any interpretative stretch, be subjected to revisional scrutiny. The precondition for invoking Section 24 – namely, the existence of an order passed under the Act – being absent, the exercise of jurisdiction by the revisional authority was fundamentally flawed and without legal sanction. The revision was thus wholly misconceived and not maintainable in law.

8. Hence , Rule is made absolute in terms of prayer clause (a).

9. The writ petition stands disposed of in above terms. There shall be no order as to costs.

10. Pending interlocutory application(s), if any, stands disposed of.

11. It is made clear that this Court has not adjudicated merits of the case.

(AMIT BORKAR, J.)