

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

WRIT PETITION NO.6296 OF 2025

Godrej & Boyce Manufacturing	]	
Company Private Limited, Mumbai	]	.. Petitioner
<i>Versus</i>		
1. State of Maharashtra,	]	
Through Revenue and Forest Department	]	
2. Collector, Raigad District,	]	
Tehsil – Alibag, Dist. - Raigad	]	
3. Tahsildar,	]	
Khalapur, Dist. Raigad	]	.. Respondents

Dr. Milind Sathe, Senior Advocate, with Mr. Bhushan Deshmukh, Advocate, i/by Bachubhai Munim, for the Petitioner.

Mr. N.C. Walimbe, Additional Government Pleader with Mrs. Reena A. Salunkhe, Assistant Government Pleader for the Respondents.

**CORAM : A.S. CHANDURKAR &
DR. NEELA GOKHALE, JJ**

DATE : 8TH MAY 2025.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. Rule. Rule made returnable forthwith and heard learned counsel for the parties.

2. The challenge raised in this writ petition is to a show cause notice dated 24th January 2025 issued by the Tahsildar purportedly in exercise of powers conferred by Section 48(7) and (8) of the Maharashtra Land Revenue Code, 1966.

3. It is urged by the learned Senior Advocate for the petitioner that the show cause notice suffers from jurisdictional defect in view of the fact that the same has been issued in a manner contrary to the law laid down by the Supreme Court in *Promoters and Builders Association of Pune Vs. State of Maharashtra and Ors.*, (2015) 12 SCC 736 and the judgment of this Court in *IKEA India Private Limited and Anr. Vs. State of Maharashtra, through Revenue and Forest Department and Ors.*, 2024 SCC OnLine Bom 1029. To substantiate this aspect, the petitioner had filed an application dated 4th February 2025 before the Tahsildar seeking dropping of the show cause notice. It is then submitted that despite aforesaid, the Tahsildar after issuance of the show cause notice has sought to collect material evidence in the form of taking steps by utilizing an “ETS Machine”. A grievance is also raised as regard the clarity of the ETS Report that has been provided. It is thus submitted that an untenable show cause notice is being adjudicated by the Tahsildar in a manner contrary to law.

4. The learned Additional Government Pleader submits that the proceedings pursuant to the show cause notice are to be heard on 9th May 2025. Since a request for grant of personal hearing has been made by the petitioner, the same could be considered by the Tahsildar. All objections could be raised at that stage.

5. At the outset, we may state that challenge raised in this writ petition is to a show cause notice. Since it is the contention of the petitioner that the same has been issued in a manner contrary to the law laid down by the Supreme Court in *Promoters and Builders Association of Pune (supra)*, an application dated 4th February 2025 seeking dropping of the proceedings has been moved. This application is yet to be adjudicated. In our view, the interest of justice would be met by directing the Tahsildar to first consider the application dated 4th February 2025 moved by the petitioner for dropping the show cause notice. This can be done by granting personal hearing, as prayed for. While considering the said application, it is open for the Tahsildar to take into consideration all relevant aspects including the judgment of the Supreme Court referred to here-in-above. If however the Tahsildar finds the proceedings to be maintainable, he shall proceed to adjudicate the show cause notice in accordance with law after a period of four weeks from his decision on the aspect of maintainability.

6. By keeping all contentions of the parties on merits open and with aforesaid directions, the Rule is disposed of with no order as to costs.

[DR. NEELA GOKHALE, J.]

[A.S. CHANDURKAR, J.]