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

**CIVIL WRIT PETITION NO. 12445 OF 2025**

MARATHON PANVEL INFRASTRUCTURES PRIVATE LIMITED, Mumbai. … Petitioner

V/s.

The State of Maharashtra and Ors. … Respondents

Mr. Vineet Naik, Senior Counsel a/w Mr. Sumanth Anchan i/b Prathamesh Ayare for the Petitioner.

Mrs. R. A. Salunkhe, AGP, for the Respondent Nos. 1 to 3.

Mr. Sanjay Dharurkar, Deputy Secretary (Revenue), State of Maharashtra, present.

Mr. Ravindra Shelke, Deputy Collector, District – Raigad, present.

**CORAM : REVATI MOHITE DERE &**
**SANDESH D. PATIL, JJ.**

**DATE : 26TH SEPTEMBER, 2025.**

**P.C. :-**

1. Heard learned Counsel for the parties.

2. By this petition, the petitioner challenges the Show Cause Notice dated 22$^{nd}$ July 2025 and the impugned communication dated 4$^{th}$ September 2025. The petitioner also seeks a direction against the respondents to forthwith decide the petitioner's application dated 1$^{st}$ March 2021 and 1$^{st}$ August 2021.

3. It is the petitioner's case that the petitioner had made an application dated 16$^{th}$ January 2006 under Section 63-1A of the Maharashtra Tenancy and Agricultural Lands Act, 1948 (MTAL Act) for purchase of land in twenty villages of Taluka Panvel, District Raigad, for setting up a Multi-Products Special Essential Zone (SEZ); that pursuant thereto, by order dated 12$^{th}$ September 2006, the Development Commissioner (Industries) granted permission under Section 63-1A of the MTAL Act to purchase immovable properties admeasuring 2061 Hectares for the purpose of setting up of a Multi-Product SEZ. It is further the petitioner's case that they challenged the process of acquisition of land and

accordingly acquired 162.31 Acres of land, however, the petitioner was unable to acquire the balance land owing to several litigations in respect of the immovable properties. In 2012, CIDCO was appointed as the Special Planning Authority for certain villages in Navi Mumbai, including the villages in respect of which petitioner was permitted to purchase properties under the 63-1A of MTAL Act. The said land was notified as "the Navi Mumbai Airport Influence Notified Area" ("NAINA"). Pursuant thereto, CIDCO was to prepare the Development Plan and Development Control Regulations for the said notified area. On 13th September 2013, the Industries Department of Respondent No.1 published Industrial Policy wherein, it was proposed that lands de-notified / withdrawn from SEZs scheme could be used as an Integrated Industrial Area.

4. On 22nd November 2017 and 19th December 2017 the Tahasildar – Panvel demanded non-utilization charges from the petitioner in respect of land acquired for bonafide industrial use. The petitioner paid the said charges. Upon receipt of the non-

utilization charges, the Tahasildar – Panvel by an order dated 15th February 2018 issued direction to the petitioner to use the land within a period of fifteen years. Thereafter, after expiry of about more than seven months a notice was issued on 16th October 2018 by the Collector – Raigad District to show cause why the order under Section 63-1A should not be cancelled. The petitioner responded to the show cause notice, however, it appears that no action was taken or rather the action was dropped. In terms of the Notification dated 13th April 2022, the petitioner made an application dated 5th December 2023 for conversion of the subject lands for non-agricultural (N.A.) use in terms of 42B of the MLRC Act. By an order dated 2nd February 2024, the Tahasildar-Panvel allowed the petitioner's application for conversion of lands for N.A. use. It is the petitioner's contention that after the conversion order dated 2nd February, 2024 there was no question of applicability of Section 63-1A of the MTAL Act.

5. The petitioner contended that this being the position, the petitioner received a notice dated 16th May 2025 from the Additional Tahsildar, directing the petitioner to show cause as to why proceedings should not be initiated against it, for alleged breach of Section 63-1A of the MTAL Act and Section 42B of the MLRC. The petitioner replied to the said notice. It was revealed that on 11th July 2025, a calling attention motion (*Lakshevedhi Suchana No. 2354*) was raised in the Legislative Assembly by an MLA in connection with the land in question, pursuant to which the Additional Collector-Raigad issued show cause dated 22nd July 2025 to the petitioner. The petitioner obtained information, that by letter dated 4th September 2025, the Desk Officer, Revenue and Forest Department had directed the Collector-Raigad to initiate proceedings under Section 63-1A of MTAL Act, and to attach the land for the purpose of returning the same to the original land holders and to submit a report to the Revenue Department. The petitioner, thus, contends that the impugned show cause dated 22nd July 2025 which was issued prior in point of time, was a farce and

that the authority was determined to attach the property of the petitioner and return the same to the original land holders. The petitioner further stated that on 8th September 2025, the Collector-Raigad issued a notice directing the petitioner to remain present for hearing on 10th September 2025 to enquire as to why resumption of land under Section 63-1A of the MTAL should not be initiated against the petitioner's property. The petitioner contended that the petitioner had preferred an application with the Collector-Raigad on 1st March 2021 and 1st August 2021 thereby praying for permission to use the lands for alternate N.A. purpose which is consistent with the draft of final development scheme. The petitioner had also requested the District Collector to issue necessary permission for assessing conversion land for the use of land for alternate purpose. The petitioner contended that instead of deciding those two applications, the show cause notices dated 22nd July 2025 and 8th September 2025 were issued to the petitioner's.

6. Upon hearing the petitioner, we had directed the learned AGP to produce all the internal notings pertaining to the petitioners case and also directed that a senior responsible officer from the concerned department should remain present today. Accordingly, today one Mr. Sanjay Dharurkar, Deputy Secretary (Revenue), State of Maharashtra and Mr. Ravindra Shelke, Deputy Collector, District – Raigad are present. The learned AGP has produced all the internal notings pertaining to the petitioner's case. We have perused the same.

7. The land in question was purchased by the petitioner and admittedly, the petitioner had become owner of the said lands. The Industrial Policy of the respondent-State provides that in respect of de-notified SEZ situated on lands in question, the CIDCO was the Planning Authority. As per the Industrial Policy, upon such de-notification the lands shall be eligible for development as Integrated

Industrial Area with CIDCO as a Planning Authority. The policy further provided that CIDCO shall frame special control regulations with approval of the respondent State. The petitioners were demanded non-utilization charges by the Tahsildar-Panvel vide notices dated 22nd September 2017 and 19th December 2017. The petitioners paid non-utilization charges. On 15th February 2018, the Tahsildar-Panvel issued direction to the petitioner to use the land within fifteen years from the date of the order. On 1st March 2021, the application of the petitioner for change in use of land to another non-agricultural purpose in terms of Government Notification dated 13th August 2018 was filed. Another application dated 1st August 2021 was also filed by the petitioner. However, no action were taken on the said applications, since 2021. In the aforesaid facts and circumstances, without deciding the applications of the petitioner, it was not proper on the part of the respondent Nos. 1 and 3 to issue show cause notices dated 22nd July 2025 and 8th September 2025 to the petitioner. What is pertinent to note is that the show cause notice dated 22nd July 2025 which is at Exhibit-T2 to the petition, calls upon the petitioner as to why their land should not be taken back under the provisions of Section 63-1A of the MTAL Act. It is also pertinent to note that on 4th September 2025, the Desk Officer, Revenue and Forest Department, State of Maharashtra issued a letter to the District Collector, Raigad (same Authority who had issued a show cause notice dated 22nd July 2025) thereby directing the District Collector – Raigad to forfeit the land and gave it to the original owners, immediately within 48 hours. On 8th September 2025 the District Collector – Raigad had issued show cause to the petitioner inter alia asking them to attend the hearing on 10th September 2025 as to why action under Section 63-1A of MTAL Act should not be taken. Prima facie, it appears that the Respondents were pre-determined to exercise powers under Section 63-1A of the MTAL Act. The issuance of show cause notice thus prima facie appears to be a farce.

8. Normally we would not have been inclined to entertain the petition challenging show cause notices, however, we are satisfied that this is a case, where the challenge deserves to be entertained.

9. The Hon'ble Apex Court in the matter of **Union of India v. VICCO Laboratories, (2007) 13 SCC 270 : 2007 SCC OnLine SC 1420** at page 283, while considering circumstances in which petitions against issuance of show cause notice can be entertained has held thus :-

> *"31. Normally, the writ court should not interfere at the stage of issuance of show-cause notice by the authorities. In such a case, the parties get ample opportunity to put forth their contentions before the authorities concerned and to satisfy the authorities concerned about the absence of case for proceeding against the person against whom the show-cause notices have been issued. Abstinence from interference at the stage of issuance of show-cause notice in order to relegate the parties to the proceedings before the authorities concerned is the normal rule. However, the said rule is not without exceptions. Where a show-cause notice is issued either without jurisdiction or in an abuse of process of law, certainly in that case, the writ court would not hesitate to interfere even*

> *at the stage of issuance of show-cause notice. The interference at the show-cause notice stage should be rare and not in a routine manner. Mere assertion by the writ petitioner that notice was without jurisdiction and/or abuse of process of law would not suffice. It should be prima facie established to be so. Where factual adjudication would be necessary, interference is ruled out."*

10. We are prima facie satisfied that issuance of show cause notices appears to be a farce, after the land was permitted to be used for bonafide industrial use. It appears that the Revenue and Forest Department, State Government has decided to take back the land of the petitioner under Section 63-1A of the MTAL Act. It further prima facie appears that the issuance of show cause notice is a facade, to take back the land.

11. We are prima facie of the opinion that the Respondent Authority should have first decided the application of the petitioner dated 1st March 2021 and 1st August 2021. Instead, the respondents have deliberately sat over the applications and chosen a circuitous way of usurping the petitioner's lands. The respondents appears to be overlooking the fact, that the concerned Tahsildar had allowed the petitioners application dated 5th December 2023 for conversion of lands for N.A. use. Once the said order was passed, there was no question of invoking of Section 63-1A of MTAL Act. Admittedly, there was no challenge to the order dated 5th December 2023 for conversion of land for N.A. use. The notings of the department clearly fortify the above observations made by us. We therefore, feel that the possession of the petitioner requires to be protected. We are therefore, inclined to pass the following order:-

> 1. The District Collector–Raigad to forthwith decide the applications dated 1st March 2021 and

1st August 2021 within a period of two weeks from the date of receipt of the order.

2. Pending the hearing and final disposal of the present Writ Petition there shall be *ad-interim* relief in terms of prayer clause 'E' and 'G'.

3. The respondents are at liberty to file detail reply to the aforesaid petition in the Registry before the next date.

4. Stand over to **14th November 2025.**

***(SANDESH D. PATIL, J.)*** ***(REVATI MOHITE DERE, J.)***

*VDMokal*