

JVS.

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

PUBLIC INTEREST LITIGATION NO. 63 OF 2025

Bashid Shafik Chikhalekar	}	Petitioner
Versus		
The State of Maharashtra & Ors.	}	Respondents

None for the Petitioner.

Ms. A. A. Kumbhakoni, Senior Advocate (Special Counsel) with Ms. Neha S. Bhide, Government Pleader, Ms. Shruti D. Vyas, Additional Government Pleader and Mr. S. P. Kamble, AGP for Respondent Nos. 1 to 9.

Mr. Girish Godbole, Senior Advocate i/b. Mr. Abhishek Samant with Ms. Pranali R. Rawool and Mr. Swapnil Bhoir, Advocates for Respondent No. 10.

**CORAM: SHREE CHANDRASHEKHAR, C.J. &
GAUTAM A. ANKHAD, J.**

DATE: 17th FEBRUARY 2026

P.C.:

The following prayers have been made by the petitioner: -

“A) That this Hon’ble Court be pleased to call for record in this case from the Respondents;

B) That this Hon’ble Court be pleased to issue a writ of certiorari, order, directions or writ in that nature and after perusal of legality and validity of the impugned Notification dated 15.03.2024 and impugned Order dated 12.06.2024 quash and set aside the same and further cancel the allotment of land bearing Survey No. 11, area admeasuring 1H-20R-40 and Survey No. 12, area admeasuring 1H-13R-30 situate at Village Bhoirgaon, Taluka Bhiwandi, District Thane in favour of Respondent No. 10;

C) That this Hon’ble Court be pleased to issue a writ of mandamus, order, directions or any other appropriate writ in that nature directing the Respondent No. 1 to issue guidelines with approval of this Hon’ble Court in respect of allotment of land for the purpose of Industrial or commercial purpose in strict adherence to

provisions of Maharashtra Land Revenue Code and The Maharashtra Land Revenue (disposal of Government Lands) Rules, 1971;

D) That this Hon'ble Court be pleased to appoint any Senior Officer of Government of Maharashtra not below the rank of Principal Secretary to conduct the enquiry of Respondent Nos. 1 to 9 in respect allotment of land to the Respondent No. 10 and further direct such Enquiry Officer to submit the report to this Hon'ble Court for further necessary action;

E) That this Hon'ble Court be pleased to issue an order of injunction restraining the Respondent No. 10, its partners, agents, contractors or any persons claiming through or under it from creating any third-party rights and interest and carrying out any sort of construction on land bearing Survey No. 11, area admeasuring 1H-20R-40 and Survey No. 12, area admeasuring 1H-13R-30 situate at Village Bhoirgaon, Taluka Bhiwandi, District Thane;

F) Pending the hearing and final disposal of the present petition this Hon'ble Court be pleased to quash and set aside impugned Notification dated 15.03.2024 and impugned Order dated 12.06.2024 and to cancel the allotment of land bearing Survey No. 11, area admeasuring 1H-20R-40 and Survey No. 12, area admeasuring 1H-13R-30 situate at Village Bhoirgaon, Taluka Bhiwandi, District Thane in favour of Respondent No. 10;

G) Pending the hearing and final disposal of the present petition this Hon'ble Court be pleased to issue an order of injunction restraining the Respondent No. 10, its partners, agents, contractors or any persons claiming through or under it from creating any third party rights and interest and carrying out any sort of construction on land bearing Survey No. 11, area admeasuring 1H-20R-40 and Survey No. 12, area admeasuring 1H-13R-30 situate at Village Bhoirgaon, Taluka Bhiwandi, District Thane."

2. The petitioner claims that he is aggrieved by the arbitrary, discriminatory and colourable exercise of powers by the respondent nos. 1 and 2 to allot the subject land to the respondent no. 10.

3. No one appears for the petitioner.

4. Mr. Girish Godbole, the learned senior counsel for the respondent no. 10 states that the respondent no. 10 has no objection if the respondent-authority takes a decision to put the subject land on auction.

5. By an order dated 25th June 2025, this Court recorded the statement made on behalf of the respondent no. 10 that the construction at the subject property was yet to commence. An order, therefore, was issued in the light of the statement made on behalf of the respondent no. 10 that no construction shall commence till the next date of hearing.

6. In the affidavit in reply filed on behalf of the State-respondents, the following stand has been taken:-

“10. It is submitted that, in the present case, the land is not sold or disposed of by the State government to Respondent No. 10 but, has been allotted to Respondent No. 10 on occupancy right basis for the purpose of commercial use (construction of Godowns) as Class-II tenure on certain terms and conditions mentioned therein as per the provision of Section – 40 of the Maharashtra Land Revenue Code, 1960 and also under Rules – 37 and 50 of the Maharashtra Land Revenue (Disposal of Government Lands) Rules, 1971. Further, the concerned Competent Authority of the Town Planning Office has opined that as per the Annual Ready Reckoner rate, the valuation of the said Government Lands on occupancy right comes to Rs.3,66,90,900/-. On the basis of such valuation report from the concerned Competent Authority, the Respondent No. 10 – M/s. Sai Sadguru Realty LLP was called upon to deposit a sum of Rs.3,66,90,900/- for the holding the said land. Accordingly, the Respondent No. 10 – M/s. Sai Sadguru Realty LLP has made the payment of Rs.3,66,99,900/- towards the premium of the said land and submitted its challan dated 10.06.24 to the Collector Office, Thane – the respondent No. 3.

11. In view of the above, it is submitted that, the allegations made by the Petitioners against the Respondent No. 3 & 4 are false, baseless and against the evidence on record. It is denied that the action of the Respondent No. 3 & 4 is malafide, arbitrary, illegal and improper and against the well-established principles of laws as alleged or otherwise. It is respectfully submitted that the abovementioned material facts demonstrate that the allotment has been done in accordance with law.”

7. A similar stand has been taken in the affidavit filed on behalf of the respondent no. 8 stating as under:-

“8) I say that on 15.03.2024, the respondent No. 1 issued Government Resolution dated 15.03.2024 stating the terms and conditions on which the said lands were allocated to the Respondent No. 10 as Class-II Occupancy land. That final order was passed on 12.06.2024 under which Respondent No. 10 was required to pay a consideration amount of Rs.3,66,90,900/-. The Respondent No. 3 passed an order dated 12.06.2024 under section 40 Maharashtra Land Revenue Code, 1966 read with Rule 37 and Rule 50 of Maharashtra Land Revenue (Disposal of Government Lands) Rules, 1971. The said consideration price has been duly deposited by the Respondent No. 10. The Maharashtra Government through its officer Santosh Prabhakar Agivale entered into registered agreement with Respondent No. 10 for holding the said land as Class-II holder subject to terms and conditions mentioned in clause-3 of the Agreement. Hereto annexed and marked as **“Exhibit-D”** is the copy of the registered Agreement dated 20.09.2024 bearing no. BVD1-14955-2024 entered between the Maharashtra Government through its officer Santosh Prabhakar Agivale and Respondent No. 10. I say that absolutely no loss of revenue whatsoever has been caused to the State Government and except the unsubstantiated allegation of the Petitioner of alleged loss of revenue, there is no material to support such allegation. I say that as a matter of fact, if the land was to be auctioned, the Respondent No. 10 would have obtained occupancy rights as Occupant Class I but pursuant to the decision of the State Government and the Order of the Collector, Thane which are impugned in the present Petition, despite the fact that the Respondent No. 10 has paid a full ready reckoner valuation of the lands allotted, the Respondent No. 10 is getting only class II Occupancy. I therefore say that as a matter of fact, the lands in question, which are admittedly barren and completely landlocked will be used for industrial development generating local employment and tax revenues for the State Government. I say that the land in question does not have access to any public road.”

8. In view of the aforesaid facts brought on record, we find that the allegation made by the petitioner is wrong and untenable.

9. Public Interest Litigation No. 63 of 2025 is dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

JAYANT
VISHWANATH
SALUNKE

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