

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

**INTERIM APPLICATION NO.13435 OF 2025  
IN  
CIVIL WRIT PETITION NO.17272 OF 2024**

Galina Consultancy Services Private Limited & Ors. ....Applicants

IN THE MATTER BETWEEN:-

Galina Consultancy Services Private Limited & Ors. ....Petitioners

Vs.

The State Of Maharashtra

Through Its Department of Revenue & Ors. ....Respondents

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Adv. A.A. Kumbhakoni, Senior Advocate a/w Adv. Pramod Patil,  
Adv. Shyamsundar Solanke, Adv. Atharva Deshmukh, Adv. Ramesh  
Deshmukh & Adv. Dhairyasheel Kale i/by PNP & Associates for the  
Applicants.

Mr. A.I. Patel, Addl.G.P. a/w Mr. S.H.Kankal, AGP for the Respondent-State.  
Adv. Ashish S. Gaikwad a/w Ms. Anjali Kolapkar, for the Respondent No.2.

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**CORAM : A. S. GADKARI AND  
SHYAM C. CHANDAK, JJ.**

**DATE : 20<sup>th</sup> FEBRUARY, 2026.**

**ORDER : (Per - A.S. Gadkari, J.) :-**

1) This is a classic case of usurpation of powers by a high ranking  
public servant of the State.

1.1) The Applicant is a developer intending to construct a  
residential project and therefore acquired various contiguous pieces of  
lands for this purpose admeasuring approximately 90,604 sq. mts. situated  
at village Man, Taluka Mulshi, District Pune. The detailed description of

survey numbers and area of land is mentioned in the pleadings of the Petition. The said lands are agricultural lands and therefore they need to be converted to non-agriculture purpose, with the requisite permission of the concerned Revenue Authority. The Applicant therefore applied to the Collector of Pune for seeking such non-agriculture use permission on 23<sup>rd</sup> July 2021. The Collector of Pune was and is unable to grant such permission by adopting a specious plea that, it cannot be adjudicated as to whether the subject land is “Grant of Soil” or “Grant of Revenue”?

1.2) By an Order dated 24<sup>th</sup> April 2025, our predecessors had directed the Respondent No.3 i.e. Collector of Pune to reconsider the Application dated 23<sup>rd</sup> July 2021 of the Applicants afresh, in accordance with law. It was directed that, while doing so, it was open for the Collector to consider whether the lands in question forms part of “Soil Grant” or “Revenue Grant”. A concession was given to the Revenue Authority that, pending consideration of the said issue, demand for land revenue whichever is higher can be made. The Addl. Collector of Pune thereafter by its communication dated 3<sup>rd</sup> June 2025, to the Revenue and Forest Department, Government of Maharashtra, indicating in detail the predicament that is being faced by the Collector in the light of the available records and had sought appropriate Orders/guidance from the Revenue and Forest Department.

1.3) The Applicants therefore had made a statement before this

Court that, without prejudice to the Orders/guidance that was being sought by the Addl. Collector of Pune, the Applicants are ready to pay higher value of *Nazarana*/Premium, whether it is for Revenue Grant or Soil Grant. The said facts are elaborately mentioned in Order dated 28<sup>th</sup> July 2025 by our predecessors. The Petition was thereafter disposed off in terms of the observations made in the said Order dated 28<sup>th</sup> July 2025.

2) As the Collector of Pune did not do the needful and kept the issue dangling, the Applicants left with no other alternative, filed present Interim Application on 12<sup>th</sup> November 2025 with a prayer that, the Applications of the Applicants be considered as per the directions set out in our Order dated 28<sup>th</sup> July 2025.

3) In the interregnum, the provisions of Section 42 of the Maharashtra Land Revenue Code, 1966 came to be amended by Government Notification dated 31<sup>st</sup> December, 2025. The Section 4 of amending Act of LVII of 2025 substitutes Section 42 of the Maharashtra Land Revenue Code, 1966. The substituted Section 42 reads as under :-

*“42. (1) No permission of the Collector for change in use of land from agricultural to non-agricultural is required, if such use is permissible under the draft or final Development Plan or Regional Plan prepared and published as per the provisions of the Maharashtra Regional and Town Planning Act, 1966 or Development Control Regulations or any other rules or regulations or orders or guidelines issued under that Act and,*

*the concerned Planning Authority may give development permission or may give approval to the building plan on such land.*

*(2) The occupancy status of land other than the Class-I occupancy land shall not be altered merely because the development permission is given or building plan is approved by the Planning Authority on such land.*

*(3) The Planning Authority shall, before giving development permission or approving building plan, recover one time premium at the rate mentioned in section 47 for non-agricultural use of land.*

*(4) Where the Planning Authority grants development permission or approves building plan, necessary changes shall be effected in the revenue records pursuant to such permission or approval.”*

3.1) As far as the case in hand is concerned, sub-section (2) of Section 42 is applicable. It is thus apparent and clear that, from 31<sup>st</sup> December 2025 the Competent Authority, to consider the change of user of the land of Applicants is vested with the Planning Authority of such land and the Revenue Authority i.e., the Collector of Pune, herein is not competent to pass any Order in that behalf after 31<sup>st</sup> December 2025.

4) In these admitted facts and legal position, the Respondent No.3-Collector of Pune proceeded to pass Order dated 2<sup>nd</sup> February 2026 which is the impugned herein. In para No.10 thereof, the Respondent No.3 has adverted to the fact of issuance of Government Notification dated 31<sup>st</sup>

December 2025; deletion of Sections 41 to 47 of the Act and its substitution by the said amending Act. However, the Collector of Pune proceeded to pass impugned Order dated 2<sup>nd</sup> February 2026, holding that, the subject lands in the Petition belong to the Devasanathan Trust; that, it is not clear whether the said land is “Grant of Revenue” or “Grant of Soil” and its tenure cannot be decided as per the documents available with him. The Collector of Pune therefore expressed its inability to decide the tenure of the said land.

5) We are unable to comprehend a fact situation, so also legal position, that the Collector of Pune, i.e. the highest Revenue Officer of the district, is unable to decide tenure of a land within his territorial jurisdiction and is expressing his inability to do the lawful act which he is mandated to perform. As noted earlier, in para No.3 of Order dated 28<sup>th</sup> July 2025 the statement of the Applicants was recorded that they were and are ready and willing to pay the higher value/rate of transfer premium/*Nazarana* for the land of whatever tenure it may be. It is needless to mention that, after coming into force the amending Act LVII of 2025 and in particular substitution of Section 42(2), the Collector of Pune was divested with the powers of passing any Order of change of user of land within his territorial jurisdiction and it is the Planning Authority who has been vested with such power.

5.1) In the present case, the Respondent No.2 - PMRDA is the Planning Authority of the subject lands. We therefore do not appreciate the

mode or method adopted by Collector of Pune, being totally in contravention of the basic provisions of law. Such things cannot be countenanced.

6) After we were pointed out the Order dated 2<sup>nd</sup> February 2026 passed by the Collector of Pune, on earlier two occasions we had directed the learned AGP appearing in the matter to seek appropriate instructions from the Collector of Pune, regarding withdrawal of the said Order as it is *non est* in law and assuming if it is, it was without jurisdiction and contrary to the basic provisions of law.

Mr. Patel, learned AGP on instructions submitted that, this Court may pass necessary Orders in that behalf as the Collector of Pune is not ready and willing to withdraw its Order. Today at the time of hearing, learned AGP tendered across the Bar a communication in writing received by him from the Collector of Pune and Resident Deputy Collector, Pune both dated 18<sup>th</sup> February 2026. To the said communication, a communication dated 17<sup>th</sup> February 2026 is annexed. The said communication dated 17<sup>th</sup> February 2026 is addressed by the Resident Deputy Collector, Pune to the Chief Executive Officer, PMRDA, belatedly expressing wisdom of requesting the said Authority to consider the proposal of the Applicants and forwarding their proposal. It is necessary to be noted here that, though the proposal of the Applicants is forwarded to the Respondent No.2-PMRDA for its consideration, the Collector of Pune has adopted an obstinate stand in

not withdrawing his Order dated 2<sup>nd</sup> February 2026, which according to us is passed without any authority in law.

7) Taking into consideration overall view of the matter, we find substantial substance in the contention of the learned senior Counsel for the Applicants that, the Collector of Pune with malafide intention and for the reasons best known to himself, has passed the Order dated 2<sup>nd</sup> February 2026.

8) In view of the above discussion, we quash and set aside Order dated 2<sup>nd</sup> February 2026.

8.1) We permit the Applicants to pursue their proposal with the Planning Authority i.e., the Respondent No.2 herein as per the substituted Section 42(2) of the Maharashtra Land Revenue Code, 1966.

9) Application is allowed in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)