

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION (ST) NO.8659 OF 2026
IN
WRIT PETITION NO.3343 OF 2026

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Shri Rajesh T. Dubey the Constituted
Attorney of Shri Mukteshwar Sahakari
Society Ltd. (Proposed) ...Applicant

In the matter between:-

Shri Rajesh T. Dubey the Constituted
Attorney of Shri Mukteshwar Sahakari
Society Ltd. (Proposed) ...Petitioner

V/s.

The Government of Maharashtra and Ors. ...Respondents

Mr.Ram Apte (Sr.Advocate) i/b. Mr.Dhananjay Athavale and
Mr.Harshal P. Nahata, Advocates for Applicant/Petitioner.
Smt.G.R.Raghuwanshi, AGP, for Respondents-State.
Mr.Kaustubh Thipsay, Advocate for Respondent No.4.
Mr.Ravindra Kadam (Sr.Counsel) a/w Mrs.Rati Patni and Mr.Vikrant
Dere i/b. Wadia Ghandy and Company, Advocates for Respondent
No.5.

CORAM : M.S.KARNIK &
S. M. MODAK, JJ.

DATE : 10th APRIL 2026

ORAL ORDER (PER : M.S.KARNIK, J.) :

INTERIM APPLICATION (ST) NO.8659 OF 2026

1. Heard learned Senior Advocate for the Applicant.
2. For the reasons mentioned in the Application, **the Application is allowed**. The order dated 18th March 2026 is recalled and the Petition is restored to the file.

WRIT PETITION NO.3343 OF 2026

3. Heard learned Senior Advocate for the Petitioner, learned Senior Advocate for Respondent No.5, learned AGP and learned counsel for Respondent No.4.
4. This Petition prays for the following substantial reliefs:-
 - “(b) that the Honourable Court will be pleased to issue writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or direction calling for the records and proceedings pertaining to the impugned order dated 14th March, 2024 and after going through the same be further pleased to cancel, rescind and revoke the said impugned order dated 14th March, 2024 by which the Respondent no.3 revoked and terminated the grant of the Respondent No.4.
 - (c) that the Honourable Court will be pleased to issue the writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or direction calling for the records and

proceedings pertaining to the impugned order dated 11th October, 2024 being Exhibit E to this petition and after examining the same will further be pleased to cancel, rescind and revoke the said impugned order dated 11th October, 2024 by which the Respondent no.3 created the right, title and interest over the said land of 164 acres 21 Gunthas described hereinabove in favour of the Respondent no.5.

(d) that the Honourable Court will be pleased to order and direct the Respondent nos.1 to 3 to give proper hearing to the Petitioner before passing any order relating to the land admeasuring about 164 acres 21 Gunthas bearing Survey no.218 and Survey no.263(part) both of village Malwani, Taluka Borivali in the registration district of Mumbai Suburban.”

5. Shri.Kadam, learned Senior Advocate for the Respondent No.5 raised preliminary objection that against the order dated 14th March 2024, the Petitioner can avail of appropriate remedies under the provisions of Maharashtra Land Revenue Code, 1966 (“**MLR Code**”) by filing appropriate proceedings under Section 247 of the said Act.

6. The Petitioner claims to be a constituted attorney of Shri Mukteshwar Sahakari Society Ltd. The dispute is about the land which is subject matter of the Petition between the Petitioner as well as the

Respondent No.4. The Respondent No.4 is Shri Mukteshwar Vividh Karyakari Seva Co-operative Society Ltd.

7. Shri.Ram Apte, learned Senior Advocate for the Petitioner invited our attention to the averments made in the Writ Petition. He submits that the land parcel was handed over to the Petitioner for the housing scheme and thus did not continue to vest with the Respondent No.4.

8. Suffice it to observe that what is under challenge in this Petition is the order dated 14th March 2024 passed by the Collector, Mumbai Suburban. It is pertinent to note that the Respondent No.4 had challenged the very same order dated 14th March 2024 by way of Appeal before the Divisional Commissioner, Konkan Division. The Additional Commissioner by the order dated 5th August 2024 decided the Appeal filed by the Respondent No.4. Against the order passed by the Additional Commissioner, Konkan Division, the Respondent No.4 preferred a Revision before the Hon'ble Revenue Minister. It is pointed out by the learned counsel for Respondent No.4 that even the Revision Application filed before the Hon'ble Minister has been dismissed and

the Respondent No.4 is in the process of challenging the said order in this Court.

9. As a consequence of the order passed by the Additional Commissioner, in the meantime, a Government Resolution dated 11th October 2024 was issued which is also the subject matter of challenge in this Petition by the Petitioner. It is pertinent to note that the Respondent No.4 had challenged the order passed by the Additional Commissioner in this Court when the following order came to be passed on 14th December 2024:-

- “1. Heard Mr.Thipsay, learned Counsel appearing for the Petitioner and Ms.Jyoti Chavan, learned, Additional G.P. for the State.*
- 2. Ms.Chavan, learned Additional G.P., on instructions, states that the Revision Application filed under Section 257 of the Maharashtra Land Revenue Code, 1966 challenging the Order dated 5th August 2024 passed by Additional Commissioner, Konkan Division, at Mumbai in Appeal being No.Appeal/Desk/LND/205/2024 will be disposed within a period of four months from today.*
- 3. Ms.Chavan points out Clause No.6 of the Government Resolution dated 11th October 2024 wherein it is provided*

that the decision taken by the said G.R. will be subject to the result of the decision of the Hon'ble Minister, Revenue concerning the Revision Applications filed with respect to the subject land and also decisions of the Courts in further proceedings.

- 4. Thus, it is clarified that further steps taken if any, pursuant to the said G.R. dated 11th October 2024 will be subject to the result of the said Revision as well as decision of Court in further proceedings.*
- 5. The Hon'ble Revenue Minister is directed to decide the said Revision Application without being influenced by the G.R. dated 11th October 2024.*
- 6. The Writ Petition is disposed of in above terms with no order as to costs”.*

10. In such view of the matter, we find that as there are several disputed questions of facts involved in the present Petition, it is not possible for us to enter into the adjudication thereof for the present. The Petitioner has to avail of the alternate efficacious statutory remedy of challenging the order dated 14th March 2024 before the appropriate forum. It is pertinent to note that on the basis that the possession of land in question was with the Respondent No.4, notices were issued to the Respondent No.4. Shri.Apte, learned Senior Advocate submitted

that the Petitioner was not in receipt of any notice nor was aware of the order dated 14th March 2024 passed by the Collector. This according to learned counsel for Respondent No.4 was because the Petitioner had no concern with the said land. If the Petitioner is aggrieved by the order passed by the Collector on 14th March 2024, the remedy is to resort to appropriate proceedings challenging the said order under the proceedings of MLR Code.

11. Keeping all contentions open for the Petitioner to avail of the alternate efficacious remedies under the MLR Code or any other appropriate remedy to challenge the impugned order, **the Petition is disposed of.** We have not expressed any opinion on the rival contentions.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)