(2023) 12 BOM CK 0075

Bombay High Court

Case No: Writ Petition (L) No. 35652 Of 2023

United Church Of North Indian		APPELLANT
	Vs	
State Of Maharashtra And Another		RESPONDENT

Date of Decision: Dec. 28, 2023

Acts Referred:

- Maharashtra Land Revenue Code, 1966 - Section 54

Hon'ble Judges: Gauri Godse, J

Bench: Single Bench

Advocate: Saket Mone, Srushti Thorat, Vidhi Partners, Himanshu Takke

Final Decision: Disposed Of

Judgement

Gauri Godse, J

1. Not on board. Taken up on production board at 12.00 p.m.

2. At the outset, learned counsel for the petitioner seeks leave to amend in terms of the draft amendment which is tendered in the Court. He submits that draft amendment and the petition is served upon learned AGP.

3. Leave to amend granted. Amendment to be carried out forthwith.

4. This petition is filed for challenging the order dated 5th December 2023 passed by respondent no. 2-Collector, Mumbai under Section 54 of the Maharashtra Land Revenue Code, 1966. By way of amendment, subsequent communication dated 22nd December 2023 is also challenged.

5. Learned counsel for the petitioner submits that in view of the subsequent communication dated 22nd December 2023 which is served upon petitioner on 26th

December 2023, Superintendent of Land Records, Mumbai City has directed that possession of the subject property will be taken by 12.30 p.m. today. Hence, in view of the extreme urgency, this petition is taken up on production board.

6. Learned AGP appearing for the respondents raises a preliminary objection that alternate remedy is available to the petitioner to approach the Maharashtra Revenue Tribunal (MRT). In view of the preliminary objection raised, learned counsel for the petitioner on instructions states that the petitioner is willing to withdraw this petition with liberty to approach MRT; however, in view of the impugned communication dated 22nd December 2023 he seeks urgent protection for a limited period to enable the petitioner to approach MRT.

7. Learned AGP on instructions makes a statement that the impugned order dated 5th December 2023 and impugned communication dated 22nd December 2023 will not be implemented for a period of two weeks from today.

8. The aforesaid statement made on behalf of the respondents by the learned AGP is accepted.

9. In view of the said statement, learned counsel for the petitioner seeks leave to withdraw the petition with liberty to approach MRT for the same reliefs as prayed in the petition.

10. In view of the aforesaid, writ petition is disposed of as withdrawn with liberty as prayed.

11. Learned AGP to forthwith communicate this order to the concerned authorities.

All parties to act on the authenticated copy of this order.