

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.6702 OF 2011

Maharashtra Chamber of Housing Industry & Ors. : Petitioners

V/s.

The State of Maharashtra & Ors. : Respondents

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Mr.Uday P. Warunjikar for the petitioners.

Mr.V.S.Gokhale, Asstt. Govt. Pleader for respondent nos.1 to 3.

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CORAM : D.D. SINHA & R.Y.GANOO, JJ.

DATE : SEPTEMBER 05, 2011.

P.C.:

Heard the learned counsel for the petitioners and the learned Asstt. Govt. Pleader for the respondent nos.1 to 3.

2. The petitioners have challenged the notices issued by the respondent under section 48(7) of the Maharashtra Land Revenue Code, 1966 whereby the petitioners were called upon to show cause why the amount mentioned in the respective notices should not be imposed as royalty and be recovered from the petitioners.

3. At the outset, the counsel for the petitioners has contended that similar/identical challenge was raised by the petitioners in Writ Petition No.7390 of 2010 and other connected Petitions. This Court vide order dated 13.4.2011 admitted the petitions and granted ad-interim order in the said petition by giving reasons. The counsel for the petitioners has submitted that since the issue involved in the present Petition being identical, similar order may kindly be passed, including grant of interim relief.

4. The learned Asstt. Govt. Pleader has submitted that the petition is directed against the show cause notice issued by the respondents under section 48(7) of the Maharashtra Land Revenue Code, 1966 and, therefore, it is open for the petitioners to file their reply to the show cause notice which would be considered by the authorities and, thereafter, would pass appropriate orders and if the petitioners are aggrieved by the same, it will be open for them to challenge the said order/s. At this stage, we have asked the learned Asstt. Govt. Pleader whether the issue involved and challenge raised in both these Petitions is identical or otherwise. However, the learned Asstt. Govt. Pleader is unable to throw any light on this aspect. In the instant case, the counsel for the petitioners has made a categorical statement that the issue involved and challenge raised in the

present Writ Petition and in Writ Petition No.7390 of 2010 is identical in nature and Writ Petition No.7390 of 2010 was already admitted by this Court and also granted interim relief. There is no reason for this Court to disbelieve the statement made by the learned counsel for the petitioners.

5. Hence, Rule.

Interim relief in terms of prayer clause (D).

To be heard along with Writ Petition No.7390 of 2010 and other connected Writ Petitions.

The learned Asstt. Govt. Pleader waives notice on behalf of the respondent nos.1 to 3.

(D. D. SINHA, J.)

(R.Y. GANOO,J.)