

S. S. Hussain I.A.S. (Ex)

Chief Executive Officer

Ref. No. MCHI/CEO/15-16/283(A)

April 15, 2016

Dear

We are a representative body of Builders and Developers of properties in Maharashtra and, more particularly, in Mumbai and Thane regions. Our members/associates are builders and developers who have acquired either ownership or development rights in respect of various immovable properties located in Mumbai, Thane and other regions of Maharashtra including some of such properties, exempted under Section 20 (1) of the Urban Land (Ceiling & Regulation) Act, 1976 ("Principal Act") and orders were issued during the currency of the Principal Act with terms and conditions attached to such orders.

You are aware that the Full Bench of the Hon'ble High Court of Bombay vide its Order dated 3rd September 2014 has interpreted the provisions of Urban Land (Ceiling & Regulation) Repeal Act, 2007 ("Repeal Act") to mean that not only the Exemption Order under Section 20 (1) of the Principal Act are saved but the conditions subject to which the exemption is granted are also valid, binding and enforceable on the land owners by acting under the provisions of the Principal Act. The said Judgment has been challenged by us, before the Hon'ble Supreme Court vide Special Leave Petition No.29006 of 2014 ("MCHI SLP"). The Hon'ble Supreme Court vide its Order dated 10th November 2014 in MCHI SLP was pleased to direct that no coercive steps to be taken by the Government of Maharashtra / Competent Authority. You are also party to the said Special Leave Petition. A copy of the said Order dated 10th November, 2014 is attached herewith for your ready reference.

You will appreciate that if any action or steps taken by the Competent Authority and/or State of Maharashtra for enforcement of the terms and conditions of the exemption order under Section 20 (1) of the Principal Act without the consent of the land owner, then the same will amount to coercive step and shall be in violation of the said Order dated 10th November, 2014.

23/5/2016
LEAK TO COMPETANT AUTHORITY OF URBAN AGGLOMERATION THANE

You have issued an Order dated 8th February, 2016 directing the General Administration Department of Collector, Thane Office to take necessary steps for obtaining possession of total 240 tenements. You have also directed the Executive Engineer (PWD), Thane to take immediate action for taking possession of the tenements mentioned in Annexure "A" annexed to the said order. You have also issued directions for acceptance of the value fixed as per Government order in respect of tenements mentioned at Sr. No. 76 and 83 in the list annexed. You will appreciate that such order and directions are in violation of order of the Hon'ble Supreme Court dated 10th November, 2014 in MCHI SLP as the same amounts to coercive steps for enforcement of the terms and conditions of the exemption order issued under Section 20 (1) of the Principal Act. A copy of the Order dated 8th February, 2016 is annexed herewith for your ready reference.

In view of the above, you are requested to withdraw the said Order dated 8th February, 2016 within 7 days from the receipt hereof, failing which we shall have no option but to initiate appropriate proceedings and/or file affidavits before the Hon'ble Supreme Court intimating the violation of the Order dated 10th November, 2014. We hope that the Government and the Competent Authority will not take any action / steps for the enforcement of the terms and conditions of the exemption orders issued under Section 20 (1) of the Principal Act during the pendency of the MCHI SLP.

Yours

(S. S. Hussain)

To,
Shri Kamlakar Phund
The Deputy Collector
Urban Land Ceiling
Collector Office
Thane

c.c.to:
Dr. Nitin Kareer (I.A.S.)
Principal Secretary - I,
Urban Development Department,
Government of Maharashtra,
Mantralaya, Mumbai - 400 032

Encl: as above

23/2/16
Clerk
Urban Development Deptt.
Mantralaya, Mumbai - 400 032