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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.9005 OF 2007**

**Ramdas Chhabaji Dhankude** : Petitioner.  
Versus  
**The State of Maharashtra and ors.** : Respondents.

**Shri S M Gorwadkar** for the Petitioner.  
**Smt. P S Cardoza, AGP** for the Respondents/State

**CORAM : P B MAJMUDAR,  
R M SAVANT, JJ.**

**DATED : 30<sup>th</sup> June 2010.**

P.C.

1 Rule, made returnable forthwith and heard by the consent of the parties.

2 This Petition filed under Article 226 of the Constitution of India takes exception to the initiation of the revisional proceedings under Section 34 of the Urban Land (Ceiling and Regulation) Act, 1976 on the ground of there being inordinate delay in initiating the said proceedings. In the instant case the order under Section 8(4) was passed on 25/03/2003, the first hearing pursuant to the notice of sue moto revision was fixed on 29/09/2007 and, the revisional order was passed on 3/11/2007. Hence there is a delay of about four years.

3 The revisional order dated 3/11/2007 is also challenged on the ground that the Revisional Authority could not have, in its revisional jurisdiction, issued the directions that it has issued in the matter of levying penalty for regularising the construction carried out on the lands declared as surplus vacant lands.

4 In so far as challenge to the Revisional Order on the aforesaid ground of inordinate delay and levy of penalty is concerned, the said issue is no more res-

integra and is concluded by a judgment dated 6<sup>th</sup> May 2010 of a Division Bench of this Court, (to which one of us P B Majmudar, J was a party) in **Writ Petition No.153 of 2008** in the matter of **Anil Nemichand Bafna and ors v/s. State of Maharashtra and anr.** By the said judgment, the revisional order in the said case was quashed on the ground of there being inordinate delay in initiating the said revisional proceedings as also on the ground that the revisional authority could not have issued directions of levying penalty at the rate mentioned in the ready reckoner for regularising the construction on the surplus vacant land.

5           The learned AGP submitted that at the time of passing order under Section 34, the Government has also sanctioned a scheme under Section 20 unilaterally and that the Government has the power to do so. In our view, this exercise could not have been undertaken after such an unreasonable time and even the said aspect is covered by a decision dated 17<sup>th</sup> December 2009 of a Division Bench of this Court ( D K Deshmukh and K K Tated, JJ) in **Writ Petition No.8686/07** in the matter of **Raghunath Baburao Tupe and ors v/s. State of Maharashtra and ors.**

6           Since in the instant case revisional proceedings were initiated after a period of four years, for the view taken by the Division Benches of this Court in the said Writ Petition No.153 of 2008 and Writ Petition No.8686 of 2007, the above Petition is required to be allowed and is accordingly allowed in terms of prayer clause (c). Rule is accordingly made absolute in the above terms.

[R M SAVANT,J]

[P B MAJMUDAR,J]