

NON REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1751 OF 2015
(Arising out of SLP (C) No. 9710 of 2007)

MADHUKAR SADBHA SHIVARKAR (D) BY LRS. ...APPELLANTS
Vs.
STATE OF MAHARASHTRA & ORS. ... RESPONDENTS

WITH

CIVIL APPEAL NO. 1752 OF 2015
(Arising out of SLP (C) No. 9816 of 2007)

SUVARNA VIJAYRAO RASKARAPPELLANT
Vs.
STATE OF MAHARASHTRA & ORS. ... RESPONDENTS

WITH

CIVIL APPEAL NO. 1753 OF 2015
(Arising out of SLP (C) No. 11179 of 2007)

RAJANIBAI MADHUKAR SAPKALAPPELLANT
Vs.
STATE OF MAHARASHTRA & ORS. ... RESPONDENTS

AND

CIVIL APPEAL NO. 1754 OF 2015
(Arising out of SLP (C) No. 12473 of 2007)

SUVARNA VIJAYRAO RASKAR & ORSAPPELLANTS
Vs.
STATE OF MAHARASHTRA & ORS. ... RESPONDENTS

J U D G M E N T**V.GOPALA GOWDA, J.**

Leave granted in all the special leave petitions.

2. Aggrieved by the common judgment and order dated 22.12.2006 passed by the High Court of Judicature at Bombay in various Writ Petitions, the appellants have filed these appeals by questioning the correctness of the same by raising certain questions of law and urging various grounds in support of the same and requested this Court for setting aside the same and issue writ of certiorari to quash the orders dated 21.10.1986, 23.06.1988, 7.8.1989 and 31.10.1989 passed by the State Government in exercise of its power under Section 14(4) of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (in short 'the Act') appointing the Sub Divisional Officer, Pandharpur as Enquiry Officer to hold enquiry in respect of the land holders whose names are mentioned against the land held by them in the said orders. As per the affidavit filed by Shri Shankar Narayan, the Assistant Collector, Pandharpur, by an order dated 27.9.1991, the Government had modified original

orders dated 7.8.1989 and 31.10.1989 and in supersession of those orders, the Government has designated the Assistant Commissioner of Land Records, Pune as Enquiry Officer which was subsequently designated the Deputy Commissioner of Pune Division as the Enquiry Officer.

3. For the sake of brevity, the relevant brief resume of facts and legal contentions urged on behalf of the parties in C.A. @ SLP(c) No. 9710 of 2007 are stated in this judgment with a view to find out as to whether this Court is required to exercise its appellate jurisdiction under Article 136 of the Constitution of India to interfere with the impugned judgment and order of the High Court and the orders passed by the Maharashtra State Government impugned in the writ petitions.

The Saswad Mali Sugar Factory Ltd., Malinagar, District Solapur is a Company registered some time in the year 1932-1933 under the provisions of the Indian Companies Act 1956. The Company purchased 1500-1600 acres of perennially irrigated land at Akluj, Bijwadi, Tambave and Mahalung Villages in Malshiras Taluka. During the said period, the Company took 5000 acres of land on lease

from the various land owners in the said villages and thereafter, created sub-leases in favour of its share holders. 125 sub-leases were created and land was allotted to shareholders by the Company between 50-500 acres in favour of each one of the share holders and such holdings of land continued till 26.01.1962, when the said Act came into force. As per the provisions of the Act, an individual was only allowed to hold 18 acres of irrigated land. The cut-off date for determining land holding under the Act was 04.08.1959. It is the case of the State Government that the share holders of the Company fearing loss of their land holdings in collusion with the revenue authorities manipulated the revenue records of the land involved in the proceedings with a *mala fide* intention to show that besides the holdings of land by the Company, there were 384 sub-leases of the land altogether. It is its further case that lavanchitthis for the period 1959-1960 to 1961-1962 were destroyed and false revenue records were created to substantiate the holding of 384 sub-leases in respect of the land which was in the name of the Company.

4. In the year 1964, the original landowners from whom

land was taken by the Company realized the fraud played by the Company and its share holders upon the Revenue authorities of the Act and filed a complaint with the Anti Corruption Bureau (ACB) challenging the manipulation of revenue records by the Company of its shares in collusion with the Revenue Officers to investigate into the fabricated records.

After the aforesaid Act came into force, the land ceiling proceedings of the land holdings of the share holders of the Company and the alleged sub-lessees took place and it was held by the Tahsildar under the Act, that everybody held the land within the ceiling limit and the said decision was appealed and attained finality in the year 1977, as the appeals filed against the orders passed in the land appeals were also dismissed.

5. In the year 1974, the ACB obtained permission from the Maharashtra State Government to investigate into the alleged offences punishable under Sections 466, 468, 471, 477A, 120B and 109 of the IPC, which were registered after investigation of the case by the said Bureau against the share holders of the Company and others. The said

criminal cases were tried by the Special Judge, Solapur against the accused persons in special case Nos. 2, 5 to 7 of 1975. The accused persons, namely, the share holders were convicted for different offences and accordingly, sentenced them to undergo imprisonment for the period mentioned in the judgment and order of the Special Judge. Aggrieved by the aforesaid judgment and order of the Special Judge, the accused persons preferred criminal appeals before the High Court which passed judgments and orders dated 6.2.1985, 2.4.1985, 20.4.1985 and 23.4.1985 respectively dismissing the said appeals. The accused persons preferred special leave petitions before this Court which were also dismissed in the year 1985.

6. The State Government forwarded the aforesaid judgment and order of the Special Judge in criminal cases to the District Collector asking him to conduct enquiry and determine the surplus land involved in the cases. In view of the aforesaid conviction and the order of sentence passed by the Special Judge and confirmed by the High Court and this Court, the State Government in exercise of its power under Section 14(4) of the Act vide order dated 27.9.1991 designated the Asstt. Commissioner, Pune

Division as Enquiry Officer to make an enquiry pertaining to the list of bogus land holders.

7. Some of the appellants in the connected appeals who are purchasers of the land from the Company's share holders who were accused and persons who were acquitted in the criminal case, and some of the appellants who were not the accused in the criminal case, had also filed the writ petitions before the High Court questioning the correctness of the order passed by the State Government under the aforesaid provisions of the Act appointing the Enquiry Officer to conduct enquiry pertaining to the list of bogus land holders mentioned in the impugned order.

8. It is urged by Mr. Kapil Sibal, Mr. Aryama Sundaram and Dr. Abhishek Manu Singhvi, that it is not open for the State Government to appoint an Enquiry Officer in exercise of its power under Section 14(4) of the Act, with a direction to him to reopen the cases in relation to the holdings of land of the Company share holders and its sub-leases after 12 years of the proceedings in the ceiling matters under the Act were concluded on merit and the same attained finality. It is further urged by them

that the State Government could not have *suo motu* exercised its power beyond the period of three years limitation prescribed under Section 45(2) of the Act to reopen the cases and revise the orders passed in the ceiling matters, which proceedings have attained finality. The orders passed in the appeals in the ceiling proceedings have attained finality, the State Government could not have exercised its *suo-motu* power to call for the records pertaining to the land holdings of the appellants as the period of three years limitation stipulated in the above provision was over from the date of the orders passed under Section 21 by the Tehsildar who was the Revenue Officer in the land ceiling matters and those orders have attained finality. Therefore, it is urged that the exercise of power by the State Government under Section 14(4) of the Act, appointing an Enquiry Officer to enquire into the land holdings of the Company share holders and sub-leases on the alleged ground that the share holders have created sub-leases in respect of their holdings of land by fabricating the revenue records against whom criminal cases were registered and were convicted and sentenced them for the charges by the

Special Judge and in which proceedings, the Company and the share holders who are not the parties and other appellants in respect of civil appeals, who were subsequent purchasers of the land from the share holders, and they have acquired constitutional right upon their land holdings under Article 300A of the Constitution of India and therefore, it is totally impermissible in law for the State Government to pass the impugned order as the same is without jurisdiction for the reason that Section 45 (2) of the Act, only confers power upon it to exercise its *suo motu* revisional power within three years from the date of passing of the orders in the land ceiling cases and orders passed in the appeals and call for the records in the revisional proceedings to examine the propriety of such orders passed in the land ceiling proceedings of the land under Section 21 of the Act on the declaration made by the holders of the land under Section 6 of the Act, declaring that the declarants do not own the surplus lands under the Act, which orders were the subject matter of appeals at the instance of the State Government and its officers before the appellate authority and the same came to be dismissed on merits by the appellate authority after

hearing them and the said judgments and orders have attained finality and the State Government has not chosen to exercise its *suo motu* revisional power under Section 45(2) of the Act within the stipulated period of three years. It is further urged by the learned senior counsel that the State Government has no statutory power either under Section 45(2) or under Section 14(4) of the Act to enquire into the very same subject-matter of the land holdings of the share holders, sub-lessees and the purchasers of the land under the guise of exercise of its statutory power under the provisions of the Act, by appointing an officer to conduct enquiry in relation to the land in question with reference to the revenue records of the land of the villages referred to supra.

9. The learned senior counsel appearing on behalf of the appellants have also further contended that the order passed by the State Government is without jurisdiction and the same is passed without giving an opportunity to the appellants, which is not only in violation of statutory provisions of the Act, but also principles of natural justice as its action entails serious civil consequences upon the rights accrued in favour of the appellants of the

land in question. Further, it is urged by them that the said orders are arbitrary, unreasonable and violative of the Fundamental Rights guaranteed to the appellants under Articles 14, 19 and 21 and also the constitutional right under Article 300A of the Constitution of India in relation to the land holdings. The learned Division Bench of the High Court ought to have accepted the legal contentions urged before it in exercise of its extraordinary writ jurisdiction under Article 226 of the Constitution of India and the impugned order should have been quashed as prayed by them but, on the other hand, it dismissed the writ petitions by passing the common judgment and order which is under challenge in these appeals, which are required to be interfered with by this Court in exercise of its appellate jurisdiction under Article 136 of the Constitution of India as there will be miscarriage of justice, if the impugned common judgment and order is not set aside and quash the order passed by the State Government. Therefore, the learned senior counsel on behalf of the appellants requested this Court to allow the appeals and set aside the impugned judgment and order and quash the government order impugned in the

writ petitions by allowing these appeals.

10. The learned senior counsel Mr. Shekhar Naphade appearing on behalf of the private respondents/land owners at whose instance the criminal cases were registered against the accused persons on their representation, the State Government has passed the impugned order. He has submitted that the Company has taken nearly about 5000 acres of the land from its owners and purchased 1500 acres of land in different villages in Maharashtra State viz. Akluj, Bijwadi, Tambave and Mahlung in Malshiras Taluka and that land has been wrongfully retained by the Company, share holders and the so called sub lessees by giving false declarations under the provisions of the Act on the basis of the fabricated land revenue record in relation to the land involved in these cases.

11. He further submits that as per the provisions of the Land Ceiling Act, the ceiling limit of holding of land by one person is 18 acres of agricultural wet land. The undisputed fact is that the land holding tenants were 125 as on the date when the Act came into force. The same has been illegally increased to 384 sub-leases to circumvent

the provisions of the Act by playing fraud on the competent revenue authorities by the declarants by fabricating and creating land revenue records of the land in collusion with the Revenue Officers contrary to the provisions of the Maharashtra Land Revenue Code, 1966, with a view to make wrongful gains of the land holdings by themselves. Criminal cases were registered against them for different offences. After the trial in the criminal cases, they were convicted and sentenced for the charges leveled against them, which proceedings have become final. Therefore, he submits that it is a big fraud played by the declarants on the revenue officers of the above referred Districts with a view to defraud the owners of the land with an oblique motive to come out from the clutches of the land ceiling under the provisions of the Act, thereby they have illegally deprived the land owners rights to re-own the land. At the instance of the land owners, the impugned order is passed by the State Government who will be the beneficiaries if the land holdings of the appellants are declared as surplus after the enquiry is conducted by the Enquiry Officer, as they would get their land back under the provisions of the Act. Therefore, the

learned senior counsel submits that the orders of the land ceiling proceedings passed by the competent authorities under Section 21 of the Act, in favour of the declarants are also erroneously affirmed in the appellate proceedings, those orders are all tainted with fraud played by them and therefore, the same cannot be allowed to sustain in law. It is further contended that the factual and legal pleas urged by the learned senior counsel on behalf of the appellants that *suo motu* exercise of power by the State Government under Section 45(2) of the Act cannot be exercised at the belated stage after the land ceiling proceedings in respect of the land of the above villages have attained finality, are wholly untenable in law for the reason that the fraud unravels everything and therefore, there cannot be a bar for the State Government to exercise its power on the ground of limitation for initiating the proceedings in respect of the land involved in these cases in the public interest. It is further urged by him that the exercise of power by the State Government under Section 14(4) of the Act cannot be termed as illegal having regard to the magnitude of the fraud played by the declarants in respect of huge extent

of agricultural wet land to save themselves from the clutches of the Land Ceiling Act to an extent of 3000 and odd acres of land which amounts to deprivation of the land holdings of the land owners, who have leased their land in favour of the Company and they are entitled to get their land back after declaring the holdings of the appellants as surplus after conducting an enquiry and if it is found the orders passed in favour of the declarants are illegal as they have played fraud on the officers, which will be the valuable fundamental and statutory rights conferred upon the land owners, who are the beneficiaries and in such an eventuality the Fundamental Rights that would be accrued in their favour under Articles 19(1)(g) and 21(1) of the Constitution of India read with Section 21 of the Act, have been illegally deprived of by them by indulging in fraudulent acts. It is contended that the plea of the appellants that the exercise of power by the State Government in passing the order under Section 14 (4) of the Act at no stretch of imagination can be termed as illegal for want of jurisdiction on the ground that it is barred by limitation, and therefore, he submits that the appeals are liable to be rejected as they are devoid of

merit.

12. He has also further placed strong reliance upon the provisions of Sections 147 and 148 of Land Revenue Code, which provisions mandate the Revenue Officer to maintain land revenue records truly and correctly in relation to holding of the land by the declarants. Section 150 of the Land Revenue Code provides for making entries of mutations and register the disputed cases by the concerned Revenue Officers. Section 296 of the Code provides that notice of transfer of title of land etc. in favour of the transferee shall be given to the District Collector which has not been done in the instant case.

13. The learned senior counsel on behalf of the land owners in the alternative has further submitted to justify the impugned orders in the writ petitions which are not rightly interfered with by the High Court in exercise of its extraordinary writ jurisdiction by passing the common impugned judgment and order, based on certain relevant facts and legal contentions. Further, he would submit that the said order can be traceable to the executive power exercised by the State Government under Article 162 of the

Constitution of India in the larger interest of public. The legal contention urged on behalf of the appellants that the exercise of statutory power by the State Government under Section 14(4) of the Act is bad in law is wholly untenable in law and therefore, the same is liable to be rejected. The learned senior counsel Mr. Naphade submits that the above untenable contentions urged on behalf of the appellants are liable to be rejected, particularly, having regard to the fact that huge extent of land acquired by the share holders and fictitious sub-leases by fabricating and creating the revenue records of the land in question to overcome the ceiling limits of holdings of land, which are criminal offences committed by the declarants under the Indian Penal Code for which some of the accused share holders of the Company and others involved in the criminal cases were charged for the criminal offences committed by them and have been convicted and sentenced for the proved charges framed against them. Therefore, it is contended by him that the impugned judgment and order need not be interfered with by this Court in exercise of its appellate jurisdiction.

14. The purpose of the orders issued by the State

Government is to conduct the administrative enquiry by the Enquiry Officer appointed by it in relation to the revenue records of the land in question, which are fabricated after destroying the original revenue records, with a view to make unlawful enrichment by the declarants and therefore the same has to be examined by the Enquiry Officer after going through the correctness of the entries in the relevant revenue records pertaining to the land with reference to the provisions of Land Revenue Code and he can find out the modus operandi adopted by the share holders of the Company in creating sub-leases in respect of the land in favour of 384 persons to overcome the ceiling provisions of the Act, so as not to get their land holdings declared as surplus by creating the alleged fictitious entries in the revenue records without following provisions of the Land Revenue Code and destroying the original revenue records. The same cannot be objected to by the appellants, at this stage as their rights are not affected and it is premature to examine their claims as has been urged in the proceedings and there are no civil consequences upon them.

15. The other untenable contention urged on behalf of the

appellants that the appellants have not been heard before passing the impugned order by the High Court and their statutory right and fundamental rights acquired upon the lands in question are deprived, is wholly imaginary and there is no merit in this regard. The learned senior counsel placed strong reliance upon the constitution bench Judgment of this Court in the case of ***State of West Bengal vs. Committee for Protection of Democratic Rights, West Bengal and Ors.***¹ in support of his above submission to justify the impugned judgment and order wherein this Court in exercise of its extraordinary power under Article 142 of the Constitution, being the conscience keeper of the society, has laid down the law holding that the CBI can investigate the criminal case in any State without their consent in the larger interest of the parties. In view of the law laid down by this Court in the above case, this Court need not exercise its appellate jurisdiction in a matter of this nature as no adverse order are passed by the State Government against the appellants at this stage, and it is only stated in the impugned order that enquiry will be conducted by the Deputy Commissioner of Pune Division in respect of the land holding of the declarants.

¹ (2010) 3 SCC 571

16. The learned counsel on behalf of the State Government has also justified the impugned judgment and order contending that the same is well reasoned order and he has also adopted the submission made by the learned senior counsel on behalf of the owners Mr. Shekar Naphade who had leased their lands to the Company.

17. We have carefully examined the rival factual and legal contentions urged on behalf of the parties with a view to find out as to whether the common impugned judgment and order warrants interference in these appeals. After careful perusal of the judgment passed in the criminal appeals, we noticed that some of the appellants were convicted and sentenced for the offences punishable under Sections 466, 468, 471, 477A, 120B and 109 of the IPC, in relation to the offences committed by them in respect of the land holdings. In the backdrop of the judgment passed in the criminal cases referred to supra which have attained finality before this Court, the State Government, after examining the representations given by the land owners in these cases with reference to the relevant land records of the land holders of the villages, has rightly

exercised its statutory power by appointing the Sub-Divisional Officer as an Enquiry Officer at the first instance and later on Deputy Commissioner of Pune was appointed to enquire into the matter which is in the larger public interest.

18. The said order is passed by the State Government only to enquire into the land holding records with a view to find out as to whether original land revenue records have been destroyed and fabricated to substantiate their unjustifiable claim by playing fraud upon the Tehsildar and appellate authorities to obtain the orders unlawfully in their favour by showing that there is no surplus land with the Company and its share holders as the valid sub-leases are made and they are accepted by them in the proceedings under Section 21 of the Act, on the basis of the alleged false declarations filed by the share holders and sub-lessees under Section 6 of the Act. The plea urged on behalf of the State Government and the de-facto complainants-owners, at whose instance the orders are passed by the State Government on the alleged ground of fraud played by the declarants upon the Tehsildar and appellate authorities to get the illegal orders obtained

by them to come out from the clutches of the land ceiling provisions of the Act by creating the revenue records, which is the fraudulent act on their part which unravels everything and therefore, the question of limitation under the provisions to exercise power by the State Government does not arise at all. For this purpose, the Deputy Commissioner of Pune Division was appointed as the Enquiry Officer to hold such an enquiry to enquire into the matter and submit his report for consideration of the Government to take further action in the matter. The legal contentions urged by Mr. Naphade, in justification of the impugned judgment and order *prima facie* at this stage, we are satisfied that the allegation of fraud in relation to getting the land holdings of the villages referred to supra by the declarants on the alleged ground of destroying original revenue records and fabricating revenue records to show that there are 384 sub-leases of the land involved in the proceedings to retain the surplus land illegally as alleged, to the extent of more than 3000 acres of land and the orders are obtained unlawfully by the declarants in the land ceiling limits will be nullity in the eye of law though such orders have attained

finality, if it is found in the enquiry by the Enquiry Officer that they are tainted with fraud, the same can be interfered with by the State Government and its officers to pass appropriate orders. The land owners are also aggrieved parties to agitate their rights to get the orders which are obtained by the declarants as they are vitiated in law on account of nullity is the tenable submission and the same is well founded and therefore, we accept the submission to justify the impugned judgment and order of the Division Bench of the High Court.

19. The legal submissions made by the learned senior counsel on behalf of the appellants that the State Government has no power either under Section 45(2) or under Section 14 (4) of the Act to appoint an Enquiry Officer to enquire into the land holdings of the villages referred to therein are untenable contentions of the appellants which have been rightly rebutted by the learned senior counsel Mr. Shekhar Naphade by urging an alternative legal plea that the power exercised by the State Government to pass the orders impugned in the writ petitions is traceable to its executive power under Article 162 of the Constitution of India. Hence, the same

shall be accepted by us and the said provision is extracted hereunder:

"162. Extent of executive power of State Subject to the provisions of this Constitution, the executive power of a State shall extend to the matters with respect to which the Legislature of the State has power to make laws Provided that in any matter with respect to which the Legislature of a State and Parliament have power to make laws, the executive power of the State shall be subject to, and limited by, the executive power expressly conferred by the Constitution or by any law made by Parliament upon the Union or authorities thereof Council of Ministers."

20. The submission made by the learned senior counsel Mr. Shekhar Naphade that having regard to the magnitude of the alleged fraud creating 384 sub-leases illegally in place of 125 sub-leases in respect of the land in question to defraud the State Government and the owners of the land who had leased originally in favour of the Company with a view to see that the share holders, sub-lessees to come out from the clutches of the land ceiling provisions of the Act in respect of the land involved in these proceedings with a view to deprive the legitimate statutory rights of the original owners of the land, who have leased the land in favour of the Company

to run its factory to manufacture sugar, who will be the beneficiaries of the surplus land, if their holdings which leased in favour of the Company and its share holders is declared as surplus under the provisions of the Act after conducting an enquiry by the Enquiry Officer, is the most tenable contention urged by Mr. Shekhar Nahpade and therefore, the same must be accepted by this Court. He has also rightly placed reliance upon the constitution bench judgment of this Court referred to supra, which decision shall be applied to the fact situation of these appeals. The learned senior counsel Mr. Naphade has rightly relied upon the above referred case to invite our attention that this Court shall not interfere with the orders passed by the State Government or the impugned judgment and order of the High Court in upholding the orders of the State Government as the same is passed by it keeping in view the larger interest of the public having regard to the criminality proved against some of the share holders, who were the accused persons in the criminal cases instituted against them. We are satisfied with the submission made by the learned senior counsel on behalf of the de facto complaints at

this stage as the same is tenable and well founded and public interest involved in this case.

21. The apprehension in the mind of the appellants that their statutory, fundamental and constitutional rights guaranteed under the provisions of the Act and Articles 14, 19 and 21 read with 300A of the Constitution of India are infringed at this stage is premature and misconceived. Therefore, the question of issuing notices to them by the State Government before passing the orders in appointing the Deputy Commissioner as an Enquiry Officer to conduct administrative enquiry in relation to the land holdings of the land of the Company, the share holders and the appellants herein to find out whether the land revenue records of the land of the villages referred to supra are destroyed and fabricated on that basis the declarants have declared that they do not own surplus land, the State Government has not passed effective orders at this stage to take away the valuable rights of the appellants as claimed by them and therefore, the question of giving opportunity to them at this stage and conducting enquiry before passing the orders is wholly untenable in law, as the orders are only administrative

in nature by appointing an officer to enquire into the alleged fraud on the officers, who have decided the declarations of the share holders and sub-lessees favourably on the basis of fabricated revenue records by destroying original records of the land of villages referred to supra, with the deliberate intention to come out from the clutches of the Act. Therefore, the rights of the appellants are not affected on the date of passing of the orders by the State Government. Therefore, the contentions urged by the learned senior counsel on behalf of the appellants referred to supra are wholly untenable and the same are liable to be rejected and accordingly rejected.

22. For the reasons stated supra we do not want to go into the merits of the case. Apart from the said reasons, we have very carefully scrutinized the impugned common judgment and order of the High Court and the orders of the State Government and we do not find any reason whatsoever to interfere with the same as none of the legal contentions urged on behalf of the appellants have got any merit consideration. In our considered view, the orders impugned in the writ petitions which are affirmed

by the High Court, are perfectly legal and valid and therefore, the same do not warrant interference by this Court in exercise of power of this Court under Article 136 of the Constitution, but on the other hand, the aforesaid orders of the State Government can also be traceable to executive power of the State Government under Article 162 of the Constitution of India having regard to the magnitude of the alleged fraud in relation to the vast extent of the land holding obtained by the declarants by giving false declarations with a view to come out from the clutches of the land ceiling provisions of the Act, which is the *prima facie* view taken by the State Government and the same cannot be found fault with by this Court in these proceedings at this stage.

23. It is noticed by this Court that right from the year 1989, the orders passed by the State Government have been successfully stalled by the appellants to conduct the administrative enquiry into the matter for the last quarter century, the most valuable period is lost in the process of untenable litigation made by the appellants. Therefore, we direct the State Government and the Enquiry Officer appointed for the purpose or if the said Officer

has already retired, then the Deputy Commissioner of the Pune Division who is in office at present is required to expedite the administrative enquiry within six months as directed by the High Court in its operative portion of the order or any officer can be appointed by the State Government in his place within two weeks from the date of receipt of this order and submit compliance report to this Court for its perusal and further direct the State Government to proceed with the matter in accordance with law after affording opportunity to all the parties.

For the foregoing reasons, the impugned judgment and order of the Division Bench in affirming the orders of the State Government is not required to be interfered with for one more reason, namely, the High Court, after adverting to certain findings recorded in the criminal cases with regard to the land ceiling and on the alleged fraud against the declarants in getting the orders passed under Section 21 of the Act, has recorded the findings and reasons holding that the orders of the State Government do not warrant interference as the same are in the interest of public at large.

In view of the foregoing reasons, the appeals are dismissed with costs of Rs.50,000/- to be paid by the appellants in each of these appeals out of which 50% to be given to the State Government of Maharashtra, and the remaining 50% to be given to the contesting private respondents at whose instance the orders were passed by the State Government. The parties are directed to maintain status quo regarding the nature of land and not to create any encumbrance upon the land involved in these proceedings till the enquiry is over.

.....J.
[V. GOPALA GOWDA]

.....J.
[C. NAGAPPAN]

**New Delhi,
February 11, 2015**

ITEM NO. 1A
(For Judgment)

COURT NO.11

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 1751/2015 @
Petition for Special Leave to Appeal (C) No. 9710/2007

MADHUKAR SADBHA SHIVARKAR (D) BY LRS.

Appellant(s)

VERSUS

STATE OF MAHARASHTRA & ORS.
WITH

Respondent(s)

Civil Appeal No(s). 1752/2015 @
S.L.P. (C) No. 9816/2007

Civil Appeal No(s). 1753/2015 @
S.L.P. (C) No. 11179/2007

Civil Appeal No(s). 1754/2015 @
S.L.P. (C) No. 12473/2007

Date : 11/02/2015 These petitions were called on for pronouncement
of judgment today.

For Appellant(s) Mr. V. K. Sidharthan, Adv.

M/s Lawyers Knit & Co., Adv.

For Respondent(s) Ms. Abha R. Sharma, Adv.

Mr. Shivaji M. Jadhav, Adv.

Mr. Aniruddha P. Mayee, Adv.

Mr. Charudatta Mahindrakar, Adv.

Mr. A. Selvin Raja, Adv.

Mr. V.N. Raghupathy, Adv.

Hon'ble Mr. Justice V. Gopala Gowda pronounced the judgment of the Bench comprising His Lordship and Hon'ble Mr. Justice C. Nagappan.

Leave granted. In terms of the signed order, the appeals are dismissed with costs of Rs.50,000/- to be paid by the appellants in each of these appeals out of which 50% to be given to the State Government of Maharashtra, and the remaining 50% to be given to the contesting private respondents at whose instance the orders were passed by the State Government. The parties are directed to maintain status quo regarding the nature of land and not to create any encumbrance upon the land involved in these proceedings till the enquiry is over.

(S.K. RAKHEJA)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

(Signed non-reportable judgment is placed on the file)