

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO. 27502 OF 2014

Uttam Ramchandra Jagdale & Ors. .. Petitioners
vs.
The State of Maharashtra & Ors. .. Respondents

Mr. P. G. Chavan for Petitioners.
Mr. V. S. Talkute for Respondent Nos. 2 to 6.
Mr. A. D. Kango - AGP for Respondent No. 1.

CORAM : M. S. SONAK, J.
DATE : 23 FEBRUARY, 2015

P.C. :-

1] Rule. With the consent of and at the request of the learned counsels for the parties, Rule is made returnable forthwith.

2] This petition challenges order dated 22 August 2014 made by the Minister (Revenue) allowing the respondents revision petition.

3] For the order which is proposed to be made, there is no necessity to advert to the facts in great detail. Suffice to note that this Court in writ petition (stamp) no. 18502 of 2014, had made an order dated 16 July 2014 granting ad interim relief in terms of prayer clause (b) of the said petition. The effect of the ad interim order

was that the proceedings before the Minister (Revenue) were stayed pending hearing and final disposal of the said writ petition. The interim order dated 16 July 2014 was communicated by the petitioner to the office of the Minister (Revenue) under cover of letter dated 17 July 2014. The covering letter bears the endorsement of receipt dated 18 July 2014.

4] From the aforesaid, it is clear that at the stage when the impugned order dated 22 August 2014 was made, there was already a stay on the proceedings before the Minister (Revenue). In such circumstances, there was no question of the Minister (Revenue) either proceeding with the matter or making the impugned order therein. On this short ground, the impugned order is liable to be set aside and is hereby set aside.

5] The respondents revision application is restored before the Minister (Revenue). It is directed that such revision petition shall be decided in accordance with law and on its own merits, without in any manner being influenced by the order dated 22 August 2014, which in any case is set aside. The revision petition shall be disposed of within a period of four weeks from today.

6] It is made clear that this Court has not expressed any opinion

on the merits of the matter and all points and contentions of all parties are kept open.

7] All parties to cooperate in the matter of expeditious disposal of the revision petition. Further, all parties to appear before the Secretary to Minister (Revenue) on 9 March 2015 at 3.00 p.m. in order to obtain directions in the matter.

8] Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

9] All parties to act on the basis of an authenticated copy of this order.

(M. S. SONAK, J.)

Chandka