IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11300 OF 2014

Amarsingh K. Deshmukh & ors. .. Petitioners
vs.
The Hon'ble Minister for
Revenue, through its Secretary
and ors. .. Respondents

Mr. Anand Patil for the Petitioners.
Ms Aparna Vhatkar, AGP for Respondent No.1.
Mr. Mithun Mahajan for Respondent Nos.2 to 8 and 10 to 13.

CORAM : M. S. SONAK, J.
DATE : 6 JANUARY, 2015

P.C. :-

1] With the consent of learned counsel for parties, this petition is taken up for final disposal.

2] The petitioners have already preferred a Revision Application before the Revenue Minister impugning the order dated 10 November 2014 made by the Additional Commissioner, Pune Division, Pune. Alongwith Revision Application, the petitioners have also applied for certain interim reliefs. Learned counsel for the petitioners points out that during pendency of Revision Application before the Additional Commissioner, Pune, the petitioners had been granted interim relief by order dated 17 October 2006. Learned counsel further points out that since the Revenue Minister was held up in Nagpur for the winter session of the legislative assembly, it was not be possible to obtain orders on the application for interim relief.

3] Learned counsel for respondent Nos.2 to 8 and 10 to 13 submits that whilst he has no objection to the appeal before the Revenue Minister being expedited, there is no question of grant of any interim relief. Learned counsel points out that on account of operation of interim relief, the respondents whom he represents are precluded from entering their names in the revenue record. As a result, the respondents have being deprived for certain financial packages to which they are entitled to.

4] Having heard the parties and upon taking into consideration the circumstance that the petitioners had interim relief in their favour from 17 October 2006, in my judgment, it would be just and proper if the petitioners are granted interim relief for a limited period of three months from today. During this period, it shall be for the petitioners to move the Revenue Minister and obtain orders on application for interim relief which has already been made by them. The petitioners shall furnish notice to the contesting respondents before they apply for interim relief before the Revenue Minister

5] Learned counsel for the petitioners expresses his apprehension that the Revenue Minister may not at all take up the application for interim relief or dispose of the appeal which has been preferred. There is no substance in the apprehension expressed. Since the Revenue Minister has been constituted statutory authority to hear and entertain the Appeal/Revision Application, this Court is quite confident that such duty will be discharged by the Revenue Minister in accordance with both the letter and spirit of the Maharashtra Land Revenue Code.

6] This Court has not gone into the merits of the matter. Therefore, it is for the Revenue Minister to decide the application for stay as well as the appeal on its own merits and in accordance with law.

7] With the aforesaid directions, this petition is disposed of. There shall however, be no order as to costs.

8] Parties to act upon an authenticated copy of this order.

(M. S. SONAK, J.)

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