

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5017 OF 2016
IN WP/2998/2015

ANITA RAJENDRA ADHAV AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Shri Markad D.R. h/f Shri Badakh V.S.
AGP for Respondents 1 to 4 : Smt. Raut S.S.
Advocate for Respondents 5 to 9 : Shri Gawali A.K.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: April 22, 2016
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PER COURT :-

1. By this Civil Application, the applicants pray for recalling the order dated 26.11.2015 passed by this Court and for restoration of the Writ Petition to the position at which, it was dismissed. It is stated that the matter is dismissed on the failure of the applicants to remove office objections.
2. Learned Advocates for the respondents oppose the application.
3. For the reasons set out in the application, the same is allowed and the Writ Petition is restored and heard by the consent of the parties in the light of the fact that the cause of action does not survive.
4. Shri Gavali, learned Advocate for the respondents submits that the mutation entry No.367 dated 26.12.2007 is at issue. The respondents challenged the same before the Sub Divisional Officer in RTS Appeal No.67 of 2009, which was dismissed on 29.7.2011. This order was challenged before the Additional Collector, who allowed the RTS Appeal No.33 of 2012 on 16.1.2013 and set aside the mutation entry.
5. He further submits that the petitioner filed RTS Revision No.36 of 2013 and the concerned authority granted ad-interim relief on 19.1.2013.

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The respondent approached the Honourable Minister who, by order dated 20.2.2013 set aside the interim relief granted by the Divisional Commissioner, Nasik and directed the hearing of the RTS Revision itself. The petitioner approached this Court for challenging the order of Honourable Minister on 9.3.2015. Prior to this Court considering the petition, the RTS Revision No.36 of 2013 was already decided by the concerned authorities on 15.12.2014, which rendered this petition infructuous.

6. Learned Advocate for the petitioner submits that he approached the Divisional Commissioner and has succeeded in the restoration of RTS Revision No.36 of 2013 and the same is still pending.

7. In the light of the above, I do not find any reason to entertain this Writ Petition since ends of justice would be met by directing the respondent No.2 / Divisional Commissioner to decide the pending RTS Revision as expeditiously as possible and preferably within a period of four months from today.

8. As such, this petition is disposed off with a direction to respondent No.2 to decide RTS Revision No. 36 of 2013 within a period of four months from today.

9. Needless to state, the litigating sides shall maintain status quo as existing today with regard to the mutation entry No. 367 till the decision of respondent No.2.

(RAVINDRA V. GHUGE, J.)

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