

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4662 OF 1994

Girdharilal Radhakishan Madhyan
Age: 47 years, resident of Ahmednagar,
Proprietor, Deepali Theater, Telikhunt,
Ahmednagar.

..PETITIONER

VERSUS

1. The State of Maharashtra
Revenue and Forest Department,
Through Government Pleader,
Aurangabad.
2. The District Magistrate and Collector,
District Ahmednagar, Ahmednagar.
3. Accountant General, Maharashtra,
Mumbai.

..RESPONDENTS

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Mr. M.M. Patil (Beedkar), Advocate for petitioner.
Mr. N.T. Bhagat, A.G.P. for respondents.

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**CORAM : RAVINDRA V. GHUGE, J.
DATED : 21st JULY, 2017**

ORAL JUDGMENT :

1. Leave to correct the description of Respondent No.1. Correction be carried out forthwith.
2. It appears that the petitioner has preferred an appeal to the Hon'ble Minister, Revenue and Forest Department, Government of Maharashtra on 30th

August, 1991. In the said appeal, the orders impugned in this petition are subject matter of challenge. The learned A.G.P. submits on instructions from Mr. S.S. Pakhare, Nayab Tahsildar who is present in the Court that despite the best efforts of the concerned Desk Officer, file of the appeal is not traced out and they are finding it difficult to trace out the same. It is however not disputed that the impugned orders are to be challenged by filing an appeal before the Hon'ble Minister.

3. This Court, by order dated 29th December, 1994 passed in vacation, has granted interim relief in terms of prayer clause "E" to the petitioner which reads as under:

"(E) Pending the admission and hearing, grant interim relief of stay of the impugned orders Exh. E dated 19.8.1991 and Exh. G dated 25.11.1994 of Respondent No.2, the Collector of Ahmednagar and not to withhold the renewal of this ground."

4. Considering the above, I deem it appropriate to dispose of this petition on the following conditions:

- (a) The petitioner is permitted to submit a fresh copy of his appeal dated 30th August, 1991 to the office of the Hon'ble Minister, Revenue and Forest Department, Government of Maharashtra Respondent No.1 herein within a period of four weeks.
- (b) After the receipt of the said copy and provided the said appeal has

not been disposed of by any decision, Respondent No.1 would issue notices to the concerned parties and cause a hearing in the matter.

- (c) The address of the petitioner shall be specifically mentioned while submitting the copy of the appeal and which shall be a pre-condition for issuing the notices.
- (d) Until then, in the event Respondent No.1 traces out the proceedings and finds that the said appeal has already been decided, it shall forthwith forward a copy of its order in the said appeal to the petitioner and the fresh copy of the appeal tendered, shall be filed.
- (e) In the event of the above, the petitioner will then be at liberty to challenge the order of the Hon'ble Minister notwithstanding the passage of time since the petitioner has been before this Court since 20th December, 1994 until passing of this order.
- (f) Interim relief granted by this Court on 29th December, 1994 shall continue to protect the petitioner until the decision in the appeal or for a period of four weeks from the receipt of the order in the appeal, if it is prejudicial to his interests.

5. Rule is made partly absolute in the above terms.

(RAVINDRA V. GHUGE, J.)

SSD