

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

WRIT PETITION NO.5788 OF 2015

Jagdamba Shikshan Prasarak Mandal,
Beed, through Administrative Officer,
Pramod s/o Digambar Gorkar,
Chhatrapati Sankul, Subhash Road,
Beed, Taluka and District Beed. ... PETITIONER

VERSUS

1. The State of Maharashtra
through Collector, Beed
2. The Tahsildar, Georai,
Tq. Georai, District Beed.
3. The Divisional Commissioner,
Commissioner Office, Aurangabad.
4. Godavari Madhyawarti Sahakari
Grahak Bhandar Ltd., Gadhi,
Tq. Georai, District Beed,
through its Manager,
Bhausahab s/o Rambhau Bharat
Age 40 years, Occu. Agril.,
R/o Gadhi, Tq.Geirao, District Beed ... RESPONDENTS

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Shri N.B. Khandare, Advocate for petitioner
Shri A.B. Girase, Government Pleader for respondent Nos.1 to 3
Shri Sachin S. Deshmukh, Advocate for respondent No.4

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CORAM: S. B. SHUKRE, J.

DATED: 15th February, 2017.

ORAL JUDGMENT :

1. Heard Mr. N.B. Khandare, learned counsel for the petitioner, Mr. A.B. Girase, learned Government Pleader for respondent Nos.1 to 3 and Mr. Sachin S. Deshmukh, learned counsel for respondent No.4. Rule. Rule made returnable forthwith and heard finally by consent of learned counsel for the parties.

2. After hearing learned counsel for the petitioner, learned Government Pleader for respondent Nos.1 to 3 and learned counsel for respondent No.4 for considerable length of time, it has emerged that, by the order passed on 25/2/2016, in Appeal bearing Case No.Land-2015/C.No.232/J-7 A, the Hon'ble Revenue Minister has directed parties to maintain status quo in respect of the land, admittedly in favour of the petitioner. Of course, question of ownership of the land and right to continue with the possession are the issues, which could be appropriately decided by the Civil Court. But, even the decision of the Civil

Court would be dependent upon a decision taken by the Hon'ble Minister in the aforesaid appeal for the reason that, on going through this order dated 25/2/2016, it becomes clear that one of the prayers made in this appeal is about regularisation of the title and possession.

3. As the Hon'ble Minister has already passed an order of maintenance of status quo in respect of the disputed land, I am of the view that, purpose of this petition shall be served by continuing the order of injunction granted by this Court on 10/6/2015 till final disposal of the aforesaid appeal by the Hon'ble Minister and also for a further period of two weeks from the date of the order passed in the appeal, in case the order is adverse to the interest of the petitioner.

4. Accordingly, the interim relief granted by this Court on 10/6/2015 is extended till final disposal of the Appeal bearing Case No.Land-2015/C.No.232/J-7 A, and in case there is an adverse order passed in this appeal, for a further period of two weeks from the date of communication of that order, whichever is later. The Writ Petition is allowed in above terms. Rule is made absolute. The appeal shall be decided by the Hon'ble Minister as expeditiously as possible, considering the chequered

history of the dispute and the claim made by various persons, preferably within a period of six months from the date of appearance of the petitioner before the Hon'ble Minister. The petitioner shall appear before the Hon'ble Minister on 27th February 2017.

(S. B. SHUKRE)
JUDGE

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