

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.532 OF 2018

Maloji Shankar Bhosale

.... Petitioner

Vs.

The Minister, Revenue, Relief &
Rehabilitation, Excluding Public
Undertaking & Others

.... Respondents

Mr. Vilas A. Jadhav h/f Ms Samidha S. Dongre for
the Petitioner.

Mr. B.V. Samant, AGP, for Respondent Nos.1 to 5
& 8.

CORAM: S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE : JANUARY 15, 2018

P.C:

Mentioned. Not on board. Taken up on board.

2. Heard the learned Advocate appearing for the
petitioner and Mr. Samant who appears on behalf of respondent
Nos.1 to 5 and 8.

3. Presently no notice is necessary to be issued to respondent Nos.6 and 7. All the more because of the final order that we propose to pass in the petition.

4. The petitioner states that a revision petition has been preferred before the State Government and that is pending. In that, an application for stay has also been made but neither the revision petition nor the stay application has been heard and disposed of. However, the petitioner says that he is threatened with dispossession and in that regard our attention is invited to pages 37 & 38 of the paper-book. The dispossession is apprehended at 1:00 p.m. on 17-1-2018.

5. In view of this urgency made out, the matter is taken out of turn.

6. The petitioner's Advocate states that the petitioner will appear before the revisional authority on 22-1-2018, at 11:00 a.m.. If the petitioner so appears, then let the revisional authority take up for consideration the application for stay or if

so advised, the revision application itself and decide it in terms of the directions issued by this Court earlier, namely, by the order, copy of which is at page 30 of the paper-book. That order requires the authority to dispose of the revision petition within four months from the date of that order. In the circumstances and by keeping all contentions of both sides open, we dispose of this writ petition.

7. To enable the petitioner to appear before the revisional authority and seek stay or finally dispose of the revision petition itself, we direct that till 23-1-2018 the petitioner shall not be dispossessed from the immovable property, the details of which are set out in the Notice, copy of which is at pages 37 & 38 of the paper-book. However, this order is without prejudice to the rights and contentions of both sides. This order and direction shall not bind the revisional authority while deciding the revision petition or the stay application finally. It is only to enable the petitioner to seek a stay and not to make the proceedings infructuous that we have granted this limited protection. We clarify that we have not

expressed any opinion on the rival contentions.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)