

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13897 OF 2017

Shri Karbhari Bhagwanta Lokhande & Ors. ...Petitioners

Vs.

Shri Sitaram Rajaram Lokhande & Ors. ...Respondents

.....

Mr. Uday Nighot, Advocate for the petitioners.

Mr. Tejas Deshmukh, Advocate for the respondent Nos. 1 to 9.

Mr. A.R. Metkari, AGP for the respondent Nos. 10 & 11.

.....

CORAM : M.S.KARNIK, J.

DATE : 9th JANUARY, 2018.

P.C. :-

Heard learned Counsel for the petitioners and learned Counsel for the respondents. The petitioners have challenged the order dated 21/9/2016 passed by the respondent No.11 – Minister of State, Revenue Department, Mantralaya, Mumbai in RTS 3415/1002/PK-25/J-5. The principal contention of the learned Counsel for the petitioners is that though the petitioners argued the matter before the Minister of State on the

date fixed for hearing and also submitted a say, the order passed by the Minister records that the petitioners/original respondent Nos.1 to 4 did not avail of the opportunity of hearing.

2. Learned Counsel for the parties have filed the Minutes of the order which are taken on record and marked “X-1” for identification.

3. In terms of the Minutes, by consent of the parties, impugned order dated 21/9/2016 passed by the respondent No.11 is quashed and set aside. The matter is remitted back to respondent No.11 to hear and decide the revision as early as possible on merits and preferably within a period of twelve weeks from today. All the contentions of the parties on merits are kept open. The petitioners and the respondent Nos.1 to 9 undertake to appear before the Hon'ble Minister of State, Revenue Department, Mantralaya, Mumbai on 18th January, 2018 whereafter the revisional authority may fix the further schedule of hearing.

4. The Writ Petition is disposed of accordingly with no order as to costs.

(M.S.KARNIK, J.)