

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 3686 OF 2018****Hajra Iqbal Memon****..... Petitioner****VERSUS****Harshad Ratilal Mehta & Ors.****..... Respondents**

Mr.P.K.Dhakephalkar, Senior Advocate, a/w. Ms.Simeen Shaikh,
Ms.Priyanka Gharge, i/b. M/s.S.K.Srivastav & Co. for the Petitioner.

Mr.S.H.Kankal, A.G.P. for the State.

Mr.S.R.Ronghe for the Respondent nos. 4 and 5.

CORAM : R.D. DHANUKA, J.

DATE : 26th MARCH, 2018

P.C.

The papers are allowed to be produced at 03.00 p.m. Heard learned counsel for the parties present in court today.

2. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 30th December, 2017 passed by the learned Divisional Commissioner, Pune. The petitioner has already preferred Second Revision Application bearing no.5559 of 2018 before the learned Minister, Revenue and Forest Department and has also applied for interim stay of the impugned order by filing a separate application. The said revision application as well as the application for stay are pending before the learned Minister. In view of the ongoing session, the learned Minister is not available for sometime.

3. Mr.Kankal, learned A.G.P. states that the learned Minister may

be available after 31st March,2018.

4. Learned counsel for the respondent nos. 4 and 5 invited my attention to the impugned order and more particularly operative part annexed at page 41 of the petition and would submit that since the learned Divisional Commissioner, Pune Division, Pune has while rejecting the revision application filed by the petitioner has made it clear that the implementation of the said order will be done after the expiry of the appeal period which would expire on 12th April, 2018 according to the learned counsel for the respondent nos. 4 and 5 and would submit that this court shall not grant any stay at this juncture since the said order passed by the learned Divisional Commissioner cannot be implemented till 12th April, 2018. Statement made by the learned counsel is accepted.

5. Both the parties are directed to appear before the learned Revenue Minister on 6th April, 2018 at 03.00 p.m.

6. In view of the statement made by the learned counsel for the respondent nos. 4 and 5 that the order passed by the learned Divisional Commissioner, Pune Division, Pune that the implementation of the said order dated 30th December,2017 cannot be implemented till 12th April, 2018, I do not propose to pass any separate order for granting ad-interim relief or for continuation of the said order dated 30th December,2017. Learned Minister for Revenue shall hear the application for stay on the date fixed by this court and shall decide the said application after hearing both the parties in accordance with law

and before 12th April, 2018. None of the party shall apply for any adjournment before the learned Minister. If the learned Minister is not able to decide the matter on the date fixed, the interim protection granted by the learned Divisional Commissioner, Pune Division, Pune to continue till such time the application for stay is heard by the learned Minister and for a period of one week from the date of communication of the order to the petitioner. If any adverse order is passed on or before 12th April, 2018, the same shall not be implemented for a period of one week from the date of communication.

7. Writ petition is disposed of in the aforesaid terms. No order as to costs.

8. The parties to act on the authenticated copy of this order.

[R.D. DHANUKA, J.]