

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4837 OF 2018
WITH
WRIT PETITION NO.4834 OF 2018

Raju D. Sakpal	...Petitioner
V/s.	
State of Maharashtra & Ors.	...Respondents

Mr.Vishwajeet Mohite for the Petitioner.

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

Mr.Viral K. Rathod for the Respondent No.5.

CORAM : R.D. DHANUKA, J.
DATE : 3RD MAY, 2018.

P.C. :-

1. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 8th March, 2018 passed by the learned Minister granting stay of the order passed by the learned Additional Commissioner thereby directing the respondent no.5 society to return the possession of the land in question.
2. The matter was heard by the learned Minister on 11th January, 2018 and on 16th February, 2018. The proceedings were closed for orders. It is the grievance of the petitioner that instead of passing the final order on the revision application filed by the

respondent no.5 society, the learned Minister has granted stay of the impugned order dated 15th November, 2017 passed by the learned Additional Commissioner.

3. It is the case of the respondent no.5 society on the other hand that even in those two Roznamas of the proceedings before the learned Minister, it was clearly recorded that the respondent no.5 society had applied for stay.

4. In my view, the interest of justice would be met with if the proceedings which are pending before the learned Minister are expedited. The parties are directed to remain present before the learned Minister on 8th June, 2018 at 3:00 p.m. Learned Minister shall pass a final order on Revision Application bearing No.RTS/3518/5042 and 5043 respectively filed by the respondent no.5 society within eight weeks from the date of the first meeting. Learned Minister shall decide the said revision application without being influenced by the observations made and the conclusion drawn in the impugned order dated 8th March, 2017 and in accordance with law. The parties shall not seek any unnecessary adjournments before the learned Minister.

5. If any adverse order is passed against the respondent no.5 society in the said revision application by the learned Minister, the same shall not be implemented for a period of two weeks from the date of communication of the order.

6. Both the writ petitions are disposed of in aforesaid terms. All the contentions of both the parties on merits are kept open. *Ad-interim* order passed by the learned Minister to continue till disposal of the revision applications and for a period of two weeks from the date of communication of the said order, if adverse to the respondent no.5 society.

7. All the parties as well as the learned Minister to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)