

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

WRIT PETITION NO. 1094 OF 2019.

Vidyadhar s/o Ambadas Kalse,
Age Major, Occ. Agriculture,
R/o. Dhanora (kh) Tq. Ambajogai,
District Beed.

... **Petitioner.**

Versus

- 1) Dhanraj s/o Hariram Panhale,
Age Major, Occ. Agriculture,
R/o. Patoda Mamdapur, Tq.
Ambajogai, Dist. Beed.
- 2) Tahsildar, Ambajogai,
Tq. Ambajogai, Dist. Beed.
- 3) Sub-Divisional Officer, Ambajogai,
Tq. Ambajogai, District Beed.
- 4) Additional Collector, Ambajogai,
Tq. Ambajogai, Dist. Beed.
- 5) Additional Commissioner,
Aurangabad.
- 6) Hon'ble Minister for Revenue and
Forest, Mantralaya, Mumbai.
& others.

... **Respondents.**

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Mr. Kute Rajendra L., Advocate for petitioner.
Mr. V. P. Latange, Advocate for respondent No. 1.
Mr. S. S. Dande, A.G.P. for respondents No. 2 to 6.

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 25th JANUARY, 2019.

ORAL ORDER :

1. Heard learned counsel for petitioner.

2. On caveat, learned counsel Mr. Latange, appears for respondent No. 1. Learned A.G.P appears for respondents no. 2 to 6. As the facts stated below are not in disput, we propose to dispose of the petition at the admission stage itself.

3. The petitioner claims to be the owner of land Sy. No. 22/3 admeasuring 54.1/2 Are, situated at village Dhanora (khurd), Tq. Ambajogai, Dist. Beed. Various documents are placed on record, such as, the copies of 7x12 extract, copy of certain revenue records, affidavit etc. It seems that there were orders passed by the revenue authority namely, the Additional Collector, Ambajogai, District Beed, on 17.01.2017. Being aggrieved by the said order, the revision was preferred before the Divisional Commissioner. At the instance of respondent No. 1, the Divisional Commissioner allowed the revision of respondent No. 1 and quashed and set aside the order of Additional Collector, Ambajogai. Now, being aggrieved by this order, the petitioner preferred the revision before the Hon'ble Revenue Minister i.e. respondent No. 6. The revision was received by Revisional Authority, Hon'ble Minister, on 06.12.2018. Along with the revision petition, an

application seeking interim orders in the nature of stay, was also filed on the same day i.e. on 06.12.2018. As the petitioner was desirous of early hearing, at least on the stay application, the petitioner submitted application to the Hon'ble Minister on 18.12.2018, seeking early date of hearing on stay application. It is also submitted before us that the copy of stay application was also served on the respondent No. 1. The learned counsel submits that no orders were passed on the application and the petitioner apprehends that if the application, seeking interim orders, is not considered and if no orders are passed, the petitioner would be subjected to the action in furtherance of the order passed by the Divisional Commissioner and the purpose of filing revision before the Authority would be frustrated.

4. On the backdrop of these facts a submission is made before this Court that the respondent No. 6 be directed to hear the application for grant of stay expeditiously. This is the limited prayer. The learned counsel appearing for respondent No. 1 fairly submits that for the direction to early hearing of stay application, respondent No. 1 is having no objection.

5. In view of these facts, the petition is disposed of with direction to respondent No. 6, the Hon'ble Minister, to hear the stay application and decide the same as expeditiously as possible and not

later than four weeks from today.

6. The learned counsel for petitioner as well as respondent No. 1 submit that the parties would appear before the Hon'ble Minister on 04.02.2019.

7. On appearance of the parties before the Hon'ble Minister, the Hon'ble Minister may fix a date for hearing the stay application and accordingly decide the same within stipulated period, as directed by this Court.

8. With the above directions, the writ petition is disposed of.

(S. M. GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

mkd