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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 3199 OF 2019**

Shri. Bhaskar Ramkrishna Kond and othersPetitioners

V/s.

The State of Maharashtra throughRespondents
Revenue Minister and others

Mr. Sanjay P. Shinde for the Petitioner
Mr. Ashok T. Gade for respondent nos. 2 to 5
Mr. S. L. Babar AGP for the State
Mr. Siddharth Karpe for intervener

CORAM : NITIN W. SAMBRE, J.

DATE : JUNE 12, 2019.

P.C.

The Writ Petition (ST) No. 10287 of 2018 preferred by the petitioner and Writ Petition No. 1748 of 2016 preferred by the Group Grampanchayat, were disposed of by this Court on 30/07/2018 thereby directing the State Government to decide Appeal No. RTS/Appeal/2013/P.K. 43/J-6 preferred by the petitioner.

2 In Writ Petition No. 1748 of 2016, which was tagged with Writ Petition (ST) No. 10287 of 2018, an order passed by the Minister on the Review Application preferred by private party was under challenge.

3 It appears that instead of deciding appeal of the petitioner as was directed by this Court on 30/07/2018, the State Government proceeded to decide the Review Application being RTS No. 3014/P.K. 208/J-6 wrongly presuming it to be the one which was directed to be decided by this Court vide order dated 30/07/2018.

4 The petitioner rightly pointed out that the Review should have been decided with the Appeal as the subject matter in both these proceedings is common and keeping the Appeal pending has caused prejudice to him.

5 The learned AGP when confronted with the aforesaid position, fairly submits that the order of this Court dated 13/07/2018 passed

in aforesaid petitions i.e. Writ Petition (ST) No. 10287 of 2018 and Writ Petition No. 1748 of 2016 appears to be not complied with in its true perspective.

6 That being so, this Court is left with no other option but to quash and set aside the order dated 07/02/2019 passed by the State Government in RTS 3014/P.K.-208/J-6 with directions to the State Government to decide the appeal as directed by this Court vide order dated 30/07/2018 referred supra with the Revision in question as jointly prayed by parties. Petition stands disposed of.

7 It is hereby clarified that State Government shall decide the Appeal of the petitioner so also the Review application preferred by Arun Kad and others afresh by a common order so as to avoid recording contradictory findings on the same issue raised in these two proceedings i.e. Appeal and Review proceedings.

8 The parties to the petition agree that they shall appear before the State Government on 08/07/2019 and shall submit their written

notes of arguments. This Court expects the State Government to take decision as directed herein above within period of 4 months from the date of first appearance of the parties. The learned AGP undertakes to communicate this order to the State Government.

9 Interim relief ordered by this Court is continued for a period till the Appeal proceedings are decided and in case, if order is adverse to the interest of the petitioner, for a further period of two weeks thereafter.

[NITIN W. SAMBRE, J.]