

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4606 OF 2019

Yashwant S. Apte and Ors.	...	Petitioners
versus		
State of Maharashtra and Ors.	...	Respondents

Mr. Uday Warunjikar, for Petitioner.

Ms. P.N.Diwan, AGP, for Respondent Nos.1 and 3.

Ms. Neeta Karnik, for Respondent Nos.4(A), 4(C), 4(E), 4(F) and 4(G).

**CORAM: AKIL KURESHI &
 S.J. KATHAWALLA, JJ.**

DATE: 25th JUNE, 2019

P.C.:

1. The Petitioners' sole prayer in this Petition is that Review Application No.4321 of 2017 which is pending before the Hon'ble Revenue Minister, State of Maharashtra should be decided expeditiously. It is admitted position that the Petitioners herein are not the applicants of the said Review Application. Such Review Application is filed by the Respondent No.2 herein. Learned Counsel for Respondent No.4 representing Shrirang Unit Nos.1, 4, 5, 6, 9, 11 to 16, 24 and 25 Co-op. Society Ltd., strongly opposed this prayer. Her main contention was that the Review Applicant has not prayed for this relief. The Petitioners are only the set up by the said Respondent No.2. This design should not be allowed to succeed. Respondent No.2 is creating one hurdle after another in implementation of the scheme for

redevelopment which is pending since several years. She submitted that after disposal of the Revision Petition by the Hon'ble Minister, against which the present Review Application is filed, though there is no stay, the authorities are not proceeding on the basis of the orders passed in the Revision Petition.

2. Learned Counsel for the Petitioners submitted that they have made several representations to the authorities which are not being considered on the ground that the Review Petition is pending before the Hon'ble Minister.

3. In the present Petition, we are not inclined to enter into the disputes in so far as the Review Petition is concerned and the pendency of the redevelopment scheme is concerned. Two things however, cannot be disputed. Firstly, the Review Petition which is pending since year 2017, must meet its legal fate. If it is not maintainable as contended by the Counsel for Respondent No.4, the same must be disposed off accordingly. In any case, said Review Petition must be decided. Second aspect is that there is no stay from any authority or court against the Revision Order dated 3rd October, 2017 passed by the Hon'ble Minister against which the Review Application is filed. All authorities must therefore, act accordingly. Under the circumstances, the Petition is disposed of with following directions :

(i) Respondent No.1 i.e. Hon'ble Revenue Minister, State of Maharashtra shall dispose of the Review Petition expeditiously and in any case before 31st August, 2019.

(ii) It is made amply clear as admitted by the Counsel for the Petitioners that there is no stay against the Revision Order dated 3rd October, 2017. All statutory authorities and parties therefore, must act in accordance with such order.

(iii) The Writ Petition is disposed of.

(S.J.KATHAWALLA,J.)

(AKIL KURESHI,J.)