# IN THE HIGH COURT OF JUDICATURE AT BOMBAY
## CIVIL APPELLATE JURISDICTION
## WRIT PETITION (ST.) NO.30411 OF 2019

Ashray Premises Pvt. Ltd. Through
Rahul Bhagchand Dagliya .. Petitioner

Vs

State of Maharashtra & Ors. .. Respondents

…

Mr. Girish S. Godbole i/b Ms. Shivani Samel and Mr. Shon D. Gadgil for the Petitioner.

Mr. P.K. Dhakephalkar, Senior Counsel i/b Mr. N.P. Deshpande for Respondent No.1.

Mr. S.S. Patwardhan for Respondent No.2.

Ms. Nisha Mehra, A.G.P. for the State i.e. Respondent No.3.

**CORAM: PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

**DATED : 09TH DECEMBER, 2019.**

**P.C:-**

1. The Writ Petitioner has been constrained to visit this Court by filing above captioned Writ Petition on account of the fact that a Revision Application filed by it under Section 257 of the Maharashtra Land Revenue Code, 1966 on 04th December, 2019 and along there with an Application seeking stay of the order

impugned in the Revision Petition being Order dated 11th September, 2019, could not be heard on account of the fact that the Revision lies before the Minister in charge of the Revenue Department and the Department of Revenue not being allocated to any Minister.

2. It is not in dispute that in the absence of a particular Department not being specifically under the jurisdiction of a particular Minister in the State of Maharashtra, the revisional power can be exercised by the Secretary in charge of the concerned Department. Meaning thereby, as of today, the Revision Application can be heard if there is a Minister in charge, the Minister to do so, if there is no Minister in charge, the Secretary to do so.

3. After the Writ Petition was filed, the Additional Commissioner, Pune Division has passed an order staying the operation of the Order dated 11th September, 2019 till 06th January, 2020.

4. Thus, we dispose of the instant Writ Petition directing the Revision Application filed by the Petitioner on 4th December, 2019 be placed for hearing along with the Interim Application filed, either before the Minister in charge or the Secretary in charge of the Revenue Department if there is no Minister in

charge. The same shall be placed as afore-directed on or before 6th January, 2020 and on the said date, the Authority before which the Revision Application along with the Application seeking interim relief is prayed for, shall decide atleast the Application seeking interim stay. Should the Revision Application or the Application seeking interim stay not been placed as afore-directed before 6th January, 2020, it shall be ensured that it be placed as afore-directed on the shortest possible date after 06th January, 2020 and, in the said eventuality, the order dated 5th December, 2019 passed by the Additional Commissioner, Pune Division staying the Order dated 11th September, 2019 till 6th January, 2020 shall continue to remain effective till the date the Petitioner's Application seeking interim relief is taken up for consideration.

**(SMT. BHARATI DANGRE, J.)** **(CHIEF JUSTICE)**

*AJN*