

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

923 CIVIL APPLICATION NO.5308 OF 2020
IN WP/4943/2020

SHIVAJI MAHADU GAVLE AND OTHERS
VERSUS
THE ADDITIONAL DIVISIONAL COMMISSIONER
AURANGABAD DIVISION AND OTHERS

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Mr. S.S. Gangakhedkar, Advocate for the applicants.
Mr. S.R. Yadav, A.G.P. for the State.
Mr. Kale, Advocate holding for
Mr. S.V. Sukale, Advocate for respondent No.5.

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CORAM : **Mangesh S. Patil, J.**

DATE : 4 September 2020.

ORDER :-

1. Learned Advocate Mr. Gangakhedkar submits that by the order dated 7 August 2020, by way of interim relief, the applicants / petitioners were given a breathing time of two weeks so as to enable them to prefer a Revision. He submits that accordingly they presented Revision with the office of the Minister of State for Revenue on 25 August 2020, but since the Minister was tested positive for Covid-19, the petitioners could not solicit any interim order from the Minister and the interim relief may be extended for a reasonable time so as to enable the petitioners to procure the interim relief.

2. Learned Advocate Mr. Kale holding for learned Advocate Mr. Sukale, submits that the request being made amounts to reviewing the order dated 7 August 2020 which is passed by brother Justice Achliya and even the petitioners ought to have filed an application for review which could have been placed before the brother Justice Achliya. He submits that the order was to stand vacated automatically on expiry of two weeks, by efflux of time and it thus stood vacated and there is no interim relief in force as on today which can be extended hereinafter.

3. Learned A.G.P. submits that he has no instructions as far as factual aspects are concerned and inability of the petitioners to solicit the orders because of the unprecedented event of the Minister testing positive.

4. Having considered the rival submissions, it does appear that by the order dated 7 August 2020, interim relief was granted to enable the petitioners to file a Revision and it was to stand vacated after two weeks. It appears that the petitioners filed Revision and the endorsement about acknowledging to have received the Revision is available in the papers (Page 10). The specific stand being taken by the petitioners that the Minister for State having tested positive

has not been traversed by the other side.

5. If such is the state-of-affairs, in my considered view, it would be just and proper to extend the interim relief till 21 September 2020 by way of last chance. The interim relief shall stand vacated automatically on that date.

6. Civil Application is disposed of.

(MANGESH S. PATIL, J.)

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