

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

1019 WRIT PETITION NO.3872 OF 2021

**WITH
CIVIL APPLICATION NO.4038 OF 2021
IN
WRIT PETITION NO.3872 OF 2021**

M/S JAYESH INFRA THR ITS PRITNERS
IMTIYAZ KHAN SARDAR KHAN AND OTHERS .. Petitioners

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS .. Respondents

...

**WITH
WRIT PETITION NO.6731 OF 2021**

M/S JAYESH INFRA, THR ITS PARTNER
AMIT LAXMANRAO BHOSALE .. Petitioner

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS .. Respondents

...

In both the matters :-

Advocate for Petitioners : Mr Prasad D. Jarare
In-Charge GP for Respondents / State : Mr D.R. Kale

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**CORAM : S. V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATE : 30-07-2021

PER COURT : -

1. The entries made in the other rights column has been set aside under the order dated 27-07-2021 passed by the Sub Divisional

Officer, Aurangabad. In view of that, the purpose of the writ petition would stand sub-served. The order dated 27-07-2021 would take care of the petitioners grievance.

2. In view of that, nothing would survive in the matter for adjudication.

3. Under order dated 26-02-2021 we had sought for the explanation from respondent no.2 as to how exercising administrative powers he has stayed the *quasi judicial* order. The affidavit is filed by respondent no.2. In para-7, respondent no.2 has tendered unconditional apology at the same time we are not satisfied with the explanation given by him justifying the exercise of his administrative powers vis-a-vis staying the *quasi judicial* order.

4. The Hon'ble Minister is expected to act within the purview of the powers vested upon him. A *quasi judicial* order passed in favour of the party could not have been stayed by the Hon'ble Minister circumventing the appellate remedies against the said order as provided under the provisions of the Maharashtra Land Revenue Code. In the present case, the order passed by respondent no.2 in his administrative capacity staying the *quasi judicial* order was unwarranted, uncalled for and without jurisdiction and authority.

5. Respondent no.2 has tendered unconditional apology. We accept the unconditional apology tendered by respondent no.2. Respondent no.2 shall henceforth observe the principles of law and refrain from interfering with the *quasi judicial* orders by exercising administrative powers and shall deal with the *quasi judicial* orders only in consonance with the provisions of the statute and rules therein.

6. The appeal filed by the respondents is dismissed and the Tahsildar also passed an order for removal of the mutation entries in the other rights column which was passed after the stay was granted by respondent no.2.

7. Writ petitions are accordingly disposed of. No costs.

8. In view of the disposal of writ petitions, civil application stands disposed of.

9. Naturally, the orders passed are required to be implemented. The petitioners may approach the authority for implementation of the same.

[R.N. LADDHA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE