

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5607 OF 2021

Maharashtra Rajya Vadar Samaj Sangh and others ... Petitioners

Versus

The State of Maharashtra and others ... Respondents

.....

Mr. Shailesh Chavan for the Petitioners.

Ms. S.D. Vyas, 'B' Panel Counsel for the State.

.....

**CORAM : S.J. KATHAWALLA AND
MILIND N. JADHAV, JJ.**

DATED : SEPTEMBER 17, 2021.

P.C. :-

1. The grievance of the Petitioners is that the Respondents are going to auction the land forming part of the entire Survey No. 308/1 which they cannot do, in view of the Order passed by this Court dated 4th May, 2021. The operative part of the Order dated 4th May, 2021 is reproduced hereunder :

"6. In view of the above statements made in the Affidavit dated 3rd May, 2021 by the Tahasildar, Satara on behalf of Respondent Nos.1 to 5, we pass the following Order:

(i) The Revenue Minister, Mantralaya, Mumbai, shall after giving a hearing to all concerned parties, dispose off the representations filed by the Petitioners dated 25th March, 2021 within a period of eight weeks from today.

(ii) In the event of it not being possible for the Revenue Minister to hold a physical hearing of the parties concerned, the Revenue Minister may hold a virtual meeting i.e. through video conferencing. However, in this regard care shall be taken by the Revenue Minister that all the concerned parties have access to the facilities of video conferencing, so that they can be heard, before appropriate orders are passed.

(iii) The statement made by the Tahasildar, Dist. Satara, that the auction in no way will prejudice the rights of the Petitioners in any manner whatsoever, since about 12.12 hectares of land in Survey No.308/1 will be made available to the Petitioners to carry out activities of stone crushing as per directions of the Revenue Minister and/or this Court, is accepted as an undertaking given to this Court.

(iv) In view of the above, no further directions/orders are required to be passed in the above Writ Petitions and the same are accordingly disposed of."

2. We fail to understand as to why the Revenue Minister has not complied with our Order dated 4th May, 2021 till date. The Revenue Minister shall within one week from today explain on Affidavit as to why the Order dated 4th May, 2021 is not complied with till date.

3. Until the order is passed by the Revenue Minister, the statement made by the Tahsildar, Dist. Satara recorded in clause (iii) above, will be binding on the Respondents. The Writ Petition is accordingly disposed off. However, the matter be placed before this Court on 24th September, 2021 at 2.30 p.m., to consider the explanation of the Revenue Minister.

(MILIND N. JADHAV, J.)

(S.J. KATHAWALLA, J.)