

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION (WP) NO.5852 OF 2019

[Shri Ashok Kumar Nemichandji Patni, Indore (M P)

..Versus..

State of Maharashtra through its Secretary, Revenue and Forest
Deptt. Mantralaya, Mumbai and Another]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
order and Registrar's orders.*

Court's or Judge's

Shri. S. M. Puranik, Advocate for the Petitioner
Shri. S. M. Ukey, Addl. G. P. for the Respondent Nos.1 and 2
Shri. S. Dewani, Advocate for the Respondent No.6.

CORAM : **N. B. SURYAWANSHI, J.**

RESERVED ON : **26.07.2021**

PRONOUNCED ON : **21.08.2021.**

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. This petition is filed for following relief :

a) Quash and set aside the impugned order dated 17.07.2019 (Annexure-7) in Appeal No.2017/Case 63/J-8, the Respondent No.2 while deciding the revision filed before him by the Petitioner in the year 2009 ;

3. The Respondent No.2 after hearing the parties closed the revision application for order in the year 2017, and thereafter, passed the impugned order in the year 2019 i.e. almost two years after the matter was closed for orders.

This Court in similar circumstances, set aside the order impugned, in *Writ Petition No.3930 of 2016 (Prashant s/o Gajanan Kharche and Ors. .vs. Divisional Joint Registrar and Ors.)*, as the order was passed two years after the matter was closed for orders. The said decision is squarely applicable to the facts of the present case. Hence the following order :

i) Writ Petition No.5852 of 2019 is allowed.

ii) The impugned order dated 17.07.2019 (Annexure-7) passed by the Respondent No.2 The Hon'ble Minister of Revenue, Mumbai in Appeal No.2017/Case 63/J-8, is hereby quashed and set aside.

iii) The matter is remanded back to the Respondent No.2 for fresh consideration on merits, after giving an opportunity of hearing to all the concerned parties and after taking into consideration all the relevant provisions of law.

iv) Revision shall be decided within a period of three months from today.

4. Needless to mention that all the contentions of the respective parties are kept open.

(N. B. SURYAWANSHI, J.)