

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4331 OF 2022

ARJUN BHIMRAO MANDVE
VERSUS
THE STATE OF MAHARASHTRA THR ITS SECRETARY AND
OTHERS

...
Advocate for Petitioner : Senior advocate Mr. V.D. Sapkal i/b
Mr. S.R. Sapkal
AGP for Respondent - State : Mr. S.B. Pulkundwar
Advocate for Respondent No. 6 : Mr. D.A. Mane h/f.
Mr. M.M. Patil

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[CORAM : NITIN B. SURYAWANSHI, J.]
DATE : 26th April, 2022

ORDER :

. It is the case of the petitioner that the petitioner and respondent No.6 have executed the Registered Exchange Deed bearing No.6964 of 2013 before the Sub-Registrar, Aurangabad on 26.11.2013. On the basis of the same lands gut No.54 admeasuring 4 Acre 4 R situated at Jogeshwari belonging to the petitioner and gut No. 135 admeasuring 15 Acre 12 R situated at Karodi belonging to respondent No.6 were exchanged. Possession in terms of exchange deed was handed over to each other. Necessary permission for

exchange of the lands was sought from Sub-Divisional Officer, which was granted on 09.12.2015.

2. After more than five years, after the exchange, the respondent No.6 challenged the exchange by filing application before the Sub-Divisional Officer. According to the petitioner without hearing the petitioner the said application is allowed. Appeal filed by the petitioner challenging the order of Sub-Divisional Officer was dismissed by the Divisional Commissioner vide order 27.07.2021. During the pendency of the proceedings before the Commissioner stay was granted to the impugned judgment and order dated 27.10.2020 passed by the Sub-Divisional Officer.

3. The petitioner filed Revision before the Hon'ble Minister on 04.08.2021 challenging the order passed by the Sub-Divisional Officer and Additional Commissioner. Along with the revision stay application is also filed, however, till date the stay application is not decided. The petitioner contends that this Court in Writ Petition No. 7719 of 2020 had granted interim order of status-quo in respect of the

suit land.

4. After hearing the rival submissions of the learned advocates appearing for the respective parties and the learned Assistant Government Pleader and on perusal of the documents placed on record, this Court is of the view that this petition can be disposed of by directing the respondent No.1 to decide the Revision filed by the petitioner, within a period of three months from the date of receipt of writ of this order.

5. The writ petition is, therefore, disposed of by directing the respondent No.1 to decide the revision filed by the petitioner, within a period of three months from the date of receipt of writ of this order.

6. Till the decision by respondent No.1 in the Revision, the parties shall maintain status-quo.

**[NITIN B. SURYAWANSHI]
JUDGE**