

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

WRIT PETITION NO.5035 OF 2022

Dr. Vitthalrao Vikhe Patil
Foundation at Viladghat
M.I.D.C. Wadgaon Gupta, Ahmednagar
Through its Secretary General
Dr. P. M. Gaikwad,
Age :- 50 years, Occu.- Service
R/o. Viladghat, M.I.D.C. Ahmednagar,
District – Ahmednagar

... **Petitioner**

Versus

1. The State of Maharashtra,
Through the Secretary for
Revenue Department,
Mantralaya, Mumbai.
 2. The Additional Commissioner (Revenue),
Nashik Division, Nashik.
 3. The Collector, Ahmednagar.
 4. The Tahsildar, Nagar Taluka,
Tahsil Office, Ahmednagar,
District : Ahmednagar.
- ... **Respondents**

...
Advocate for Petitioner : Mr. V. D. Hon (Senior Counsel) i/b
Mr. Ashwin V. Hon
AGP for Respondents-State : Mr. K. N. Lokhande
...

**CORAM : R. D. DHANUKA, AND
S. G. MEHARE, JJ.**

DATE : 05.05.2022

ORAL JUDGMENT (PER R. D. DHANUKA, J.) :-

1. Rule. Learned AGP waives service of notice for respondents-State Authority. Rule is made returnable forthwith and heard finally by the consent of the parties.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks a writ of mandamus against respondent No.1 to decide the revision application No.1812 of 2021 along with the stay application pending before respondent No.1.

3. Mr. Hon, learned senior counsel for the petitioner invited our attention to the communication issued by the Tahsildar, Ahmednagar on 08.02.2022 threatening to take a coercive steps against the petitioner though revision application filed by the petitioner is pending before the State Government. He also invited our attention to the guidelines framed by the State Government on 17.12.2015 directing that appeal, revision or any other such proceedings shall be disposed off within maximum period of 30 days. He submits that the petitioner is not at fault for not deciding the said revision application by the State Government.

4. We accordingly direct respondent No.1 to dispose off the said revision application within a period of eight (8) weeks from the date of communication of this order along with condonation application if any and stay application within three (3) weeks from the date of communication of this order. Till the said revision application is decided and for a period of two weeks thereafter from the date of communication of the said order, if the same is adverse against the petitioner. Respondents shall not take any coercive steps against the petitioner based on the orders which are subject matter of the said revision application.

5. This court has not expressed any view on the merits of the said revision application. All contentions of both the parties are kept open. The order that would be passed shall be communicated to the petitioner within one (1) week from the date of passing the said order. If the order is adverse against the petitioner, the same shall not be implemented for a period of two (2) weeks from the date of communication of the order.

6. Writ Petition is allowed in the aforesaid terms. Rule is made made absolute accordingly. No order as to costs.

7. Respondent-State shall issue 72 hours clear notice to the petitioner while fixing the date of hearing. The petitioner shall not seek any unnecessary adjournment before the State Government and the date of hearing is fixed by the State Government.

(S. G. MEHARE, J.)

(R. D. DHANUKA, J.)

...

vmk/-