

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 6707 OF 2022

Gokul S/o Mohan Falak

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr. A. D. Shinde, Advocate for the petitioner.

Mr. D. R. Kale, GP for respondent Nos. 1 to 4.

**CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.**

DATE : 30th JUNE, 2022.

PER COURT :

1. The petitioner has put forth prayer clauses 'B' and 'C' as under :-

B) Issue a writ of mandamus or any other appropriate writ, order or directions in the nature of writ of mandamus thereby directing the respondent No. 1/Hon'ble Minister for Revenue Mantralaya, Mumbai to decide the revision filed by the petitioner u/sec. 257 of the M.L.R. Code on 23.1.2020 as expeditiously as possible as this Hon'ble Court may deem fit.

C) Pending hearing and final disposal of the writ petition as well as the revision preferred by the petitioner before the respondent No. 1 the Hon'ble

Minister for Revenue, Mantralaya Mumbai, grant stay to the operation, implementation and execution of order dt. 19.9.2019 passed by the respondent no. 2 in RTS Revision no. 938 of 2018, the order dt. 13.3.2018 passed by the respondent no. 3 in Appeal No. 264 of 2015 and the order passed by respondent no. 4 dt. 30.9.2015 in RTS Appeal No. 5 of 2015 and for that purpose issue necessary orders.

2. Since the statutory proceedings are pending before the Hon'ble Minister for State – Revenue, since 2020, and the application for interim relief is also filed, we do not intend to entertain this petition.

3. Suffice it to say that an innocuous relief can be granted to the petitioner without issuing notice to respondent nos. 5, 6 and 7, by directing the Hon'ble Minister to decide the proceedings within a time frame since the proceedings are pending for the last two years.

4. The learned Chief Government Pleader submits that considering a change in the Government, this Court may grant a reasonable time so as to enable the new Minister to take charge and conduct the proceedings.

5. The learned Advocate for the petitioner submits that respondent nos. 6 and 7 are taking undue advantage of the pendency of the proceedings and are disturbing the possession of the petitioner. We do not wish to go into disputed issues in this petition since the proceedings are already pending before the Hon'ble Minister and the petitioner is not remedy-less.

6. As such, this petition is disposed off with the following directions :-

A) We expect the Hon'ble Minister for State – Revenue, to issue notices to all the contesting parties in the pending proceedings filed by the petitioner, returnable before 20th July, 2022.

B) Thereafter, the Hon'ble Minister would hear the application for interim relief before 15th August, 2022 or decide the main appeal on or before 15th September, 2022.

(ANIL L. PANSARE)
Judge

(RAVINDRA V. GHUGE)
Judge