

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL WRIT PETITION (ST) NO.8103 OF 2022

Shri Prakash Baburao Bhagat

....Petitioner

Versus

State of Maharashtra

....Respondent

Mr. Balasaheb Deshmukh for the Petitioner.

Ms. R. M. Shinde, AGP for the Respondent-State.

**CORAM : PRASANNA B. VARALE &
SHRIKANT D. KULKARNI, JJ.**

DATE : 7th JUNE, 2022.

P.C. :

1. Not on board. Considering the limited grievance raised in the Petition as submitted by the learned counsel, we propose to pass the following order on the praecipe submitted to this Court.

2. Learned counsel appearing for the Petitioner submitted that in revenue proceedings, the Petitioner had initially approached the subordinate authorities and ultimately an order was passed by the Additional Commissioner, Nashik in the said proceedings on 20th August, 2015. The Petitioner then by seeking necessary legal advice preferred the Revision Application before the Hon'ble Minister, Revenue and Forest Department, Mantralaya, Mumbai, and the same was numbered as R.T.S. Revision Application No.432 of 2013. The said Application was presented

before the Appellate Authority i.e. Hon'ble Minister, Revenue and Forest Department, Mantralaya, Mumbai on 9th May, 2017. Learned counsel for the Petitioner further submitted that it was reasonable expectation of the Petitioner that his Revision Application would be heard by the Authority within a reasonable period. In spite of waiting for a considerable long period, when there is no progress in the matter, the Petitioner was left with no choice, but to approach this Court by filing the present Writ Petition. Thus, the principal prayer in the Petition is in the nature of direction to the Appellate Authority to decide the Revision Application as expeditiously as possible and by fixing the stipulated time frame.

3. Considering, the grievance raised by the learned counsel, we are of the opinion that the Writ Petition itself can be disposed of with a direction to the Authority. We further make it clear that at this stage, this Court is not expressing any opinion on the merits of the Application, but considering only grievance that the Application is pending before the Authority for a long period and if the same is not decided within a reasonable period, the statutory remedy of an Application is frustrated. We are also of the opinion that by giving this direction no prejudice would be caused to the other side as we are directing the Authority to decide the Revision Application on its own merits by giving an opportunity of hearing to the parties to the proceedings. Accordingly, the following order is

passed;

:: ORDER ::

- (i) Respondent No.1 – the Hon'ble Minister, Revenue and Forest Department, Mantralaya, Mumbai to decide R.T.S. Revision Application No.432 of 2013 filed on 9th May, 2017 as early as possible and not later than 16 weeks from date of receipt of copy of this order;
- (ii) Needless to state that an equal opportunity of hearing be granted to the parties.
- (iii) At the cost of repetition, we state that this Court has not expressed any opinion on the merits of the Revision Application.

4. With above directions, the Writ Petition is disposed of.

5. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

6. Learned AGP to communicate this order to the Respondent – the Hon'ble Minister, Revenue and Forest Department, Mantralaya, Mumbai.

(SHRIKANT D. KULKARNI, J.)

(PRASANNA B. VARALE, J.)