

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7663 OF 2022**

Bindiya Harkisan Malkani & Ors.	...Petitioners
V/s.	
State of Maharashtra & Ors.	...Respondents

Mr. Swanand Ganoo a/w Sonal Awasthi & Mr. Harshvardhan Suryavanshi i/b M/s Vinod Mistry & Co., for the Petitioners.
Mr. Girish Godbole a/w Mr. S. Patil, Mr. Pavan S. Patil & Mr. Nitin Patil, for the Respondent No. 3.
Mr. S. D. Rayrikar, AGP, for the Respondent Nos. 1, 2, 12 to 16-State.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 19th July, 2022**

P.C. :

1. Heard Mr. Swanand Ganoo, learned counsel appearing for the Petitioners, Mr. Girish Godbole, learned counsel appearing for Respondent No. 3 and learned AGP appearing for Respondent Nos. 1, 2 & 12 to 16.
2. At the outset, learned counsel appearing for the Petitioners seeks leave to delete Respondent Nos. 4 to 11. Amendment to be carried out forthwith.
3. By this Petition, the Petitioners have challenged the order dated 25th April, 2022 passed by the Revenue Minister of the State of

Maharashtra by which order dated 8th April, 2022 passed in RTS Revision No. 539/19 passed by the Additional Commissioner, Konkan Division was stayed.

4. It is the main contention of the learned counsel for the Petitioners that in spite of filing caveat without serving the Petitioners, ex parte-order of stay was passed.

5. It is the contention of the Respondent No. 3 that the caveat was not served on the Respondent No. 3 which is denied by the learned counsel of the Petitioner.

6. However, it is to be noted that the stay granted by the impugned order is in operation since 25th April, 2022. In view of this, without going into the aspect whether caveat was actually served or not, the interest of justice will be served if concerned authority of Respondent No. 1-State of Maharashtra is directed to hear all the parties and decide stay Application afresh without influenced by the impugned order dated 25th April, 2022.

7. All the parties i.e. Petitioner and Respondent No. 3 to appear before the concerned authority of State of Maharashtra on 26th July, 2022 at 3:00 p.m. The concerned authority is requested to dispose of the stay Application on or before 12th August, 2022 without

influenced by order dated 25th April, 2022. Till the disposal of stay Application by the concerned authority of Respondent No. 1-State of Maharashtra, the impugned order dated 25th April, 2022 shall remain in operation.

8. It is made clear that this order is passed without prejudice to the rights and contentions of all the parties and it is further made clear that this Court has not expressed any opinion on merits of the case.

9. The writ Petition is disposed of in above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)