

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10099 OF 2022

Kanchan Kashinath Gharat & Others.

..Petitioners.

Versus

The State of Maharashtra & Others.

..Respondents.

Ms. Purvi Doctor I.b Elixir Legal Service for the petitioners.

Mr. S. L. Babar, AGP for the Respondent-State.

CORAM : PRASANNA B. VARALE &
KISHORE C. SANT, JJ.

Date : **August 26, 2022.**

P. C. :

1. The limited grievance is raised in the petition and accordingly the principal prayers (a) and (b) are couched. These prayers read thus :

“a. The Hon’ble Court be pleased to issue Writ of Mandamus or any other order, writ or direction in the nature of Writ directing Respondent No. 1 to decide the Revision Application filed by one of the Petitioner No.8 on behalf of all the petitioners in a time bound manner;

b. The Hon’ble Court be pleased to issue Writ of Mandamus or any other order, writ or direction in the nature of Writ directing Respondent No. 2 to decide the RTS Appeal No. 126 of 2020 pending before Respondent No. 2 in a time bound manner.”

2. It is submitted by learned counsel appearing on behalf of the Petitioner that though a statement is made in writ petition in paragraph 14 that being aggrieved by the order of Additional Commissioner, Kokan

Division, Mumbai dated 5th December 2018 in LNA Appeal No. 866 of 2017, Petitioner No.8 Shantaram had filed a revision on behalf of the Petitioner, due to inadvertence, the revision number is not referred either in paragraph no. 14 or prayer clause (a). Then, a statement is made in petition that in paragraph 19, that RTS Appeal No.126 of 2020 was filed before the SDO on 14th August 2020 against the order passed by the Tahsildar for setting aside an order dated 7th August 2020 whereby the order for effecting mutation entries is passed. As the submission before this Court is that both these proceedings are pending before the authorities for decision for a considerable length of time, the directions be issued to the authorities to decide these proceedings in a time bound period. This being the grievance, without going into merits of the case, the writ petition is disposed of with directions to Respondent No. 1 and Respondent no.2 to decide these proceedings, namely, Revision Application filed on behalf of the Petitioners by Petitioner No.8 - Shantaram Shridhar Raut, against the order of Additional Commissioner, Kokan Division in LNA Appeal No. 866 of 2017, if it is not decided till date, to decide the same as expeditiously as possible and not later than 12 weeks from today. Similarly Respondent No.2—the competent authority SDO, Bhiwandi is directed to decide RTS Appel No.126 of 2020, if it is not decided till date, to decide the same as expeditiously as possible and not later than 12 weeks from today. We further make it clear that this Court has not made any observations on merits of case as such the authorities are directed to decide these proceedings on their own merits. If the authorities deem it appropriate to give opportunity of hearing to the parties, the authorities may accordingly issue notice to the parties. The authorities may also call for the necessary

record from the subordinate officers if needed for the decision of these proceedings.

[Kishore C. Sant, J.]

[Prasanna B. Varale, J.]