

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7027 OF 2021

Heerabai Manaji Mirke
(since decd.) through LRs.
Jaywant Manohar Mirke & Ors. ...Petitioners
V/s.
The State of Maharashtra & Ors. ...Respondents

Ms. Babita Pandey, for the Petitioners.
Ms. R. M. Shinde, A.G.P. for the Respondent / State.

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CORAM : PRASANNA B. VARALE AND
SHRIKANT D. KULKARNI, JJ.

DATE : 07 JUNE 2022

P.C.

. The limited grievance is raised in the petition and accordingly prayer 'A' is couched for seeking directions. Prayer 'A' reads thus-

"A. That this Hon'ble Court may be pleased to issue the Writ of Mandamus or any other order or any other appropriate writ, directions in the nature of mandamus thereby to take appropriate steps to complete the hearing of RTS No.3418/1426/Application No.301/J-5 pending for final orders since 13/11/2018 within a period of three months."

2. The learned counsel for the Petitioners invited our attention to the documents placed on record to submit that there was a checkered history of proceedings between the parties. A perusal of the documents placed on record shows that in the initial round of proceedings, steps taken for consolidation and fragmentation of the lands were subjected to certain objections and in the initial round, the orders were passed by the authorities namely District Superintendent of Land Records (DSLRL) in the objection raised by the Respondent No.2 Heerabai Manohar Shelke. These proceedings further led to a revision before the Hon'ble Minister Revenue in RTS No.3414/5474/Application No.265/J-5. Vide order dated 9 September 2014, the Hon'ble Minister allowed the revision and remitted the matter back for a fresh hearing and disposal to the Deputy Director of Land Records, Pune.

3. Now in the second round also, various orders were passed by the Competent Authorities and the matter then went up to the Hon'ble Minister Revenue in the second round of litigation. The parties have filed their respective submissions / replies. The hearing of the said revision in RTS No.3418/1426/Application No.301/J-5 was closed for orders on 13 November 2018.

4. The learned counsel for the Petitioners was justified in submitting before this Court that after the second round of proceedings, the Petitioner was expecting the decision in the

matter in a reasonable span of time. But inspite of waiting for a considerable length of period, when there was no progress in the matter, the Petitioner ultimately filed the present petition for directions. It is further submitted by the learned counsel that these two rounds of litigation took twenty years and now the Petitioner who is survived by his legal representatives i.e. surviving son of Petitioner Jaywant Manohar Mirke is also in his advanced age. A perusal of the title clause of the petition further shows that the Respondent No.2 is also represented by Power of Attorney holder and POA holder is also in his advanced age i.e. 63 years of age.

5. Considering these facts, we deem it appropriate to dispose of the writ petition with direction to Respondent No.1 – State of Maharashtra to take appropriate steps so that the Petitioners shall get the final decision in the proceedings pending before the Hon'ble Minister, Revenue, which ultimately closed for orders on 13 November 2018, as early as possible and not later than sixteen weeks from the date of receipt of the order of this Court.

6. With this direction, the writ petition is disposed of.

7. Authenticated copy be supplied to the learned A.G.P. Learned A.G.P. to communicate this order to the Competent Authority.

(SHRIKANT D. KULKARNI, J.)

(PRASANNA B. VARALE, J.)