

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7162 OF 2021

M/s. Sairaj Developers & Ors.

.. Petitioners

Versus

Moses Joseph Topre and Ors.

.. Respondents

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- Mr. R.D. Suryawanshi for the Petitioners
 - Mr. Sandeep S. Salunkhe for Respondent No. 1
 - Ms. S.D. Vyas, 'B' Panel Counsel for the State
 - Mr. Bhojraj Baral i/by Elixir Legal Services for Respondent No. 12 and 14 to 21
 - Mr. N.R. Bubna for Respondent No. 38
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CORAM : S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.

DATE : JANUARY 07, 2022.
(Through Video Conferencing)

P.C.:

. By the above Writ Petition, the Petitioners, *inter alia* seek the following relief:-

"(a) This Hon'ble Court be pleased to issue a writ of certiorari, directions, order or writ in that nature and call for record and proceedings in this case from the Respondent No. 35 and after perusing legality and validity of the impugned order dated 5th July, 2021 passed by the Respondent No. 35 in Revision No. RTS - 2720/397/P.K.-262/J-4 of 2019 quash and set aside the same and dismiss the Revision No. RTS - 2720/397/P.K.-262/J-4 of 2019."

2. The Petitioner No.1 is admittedly the purchaser of the subject property under a registered Deed of Purchase from Respondent No. 1.

Admittedly, Revision Application No. RTS - 2720/397/P.K.-262/J-4 of 2019 filed by Respondent No. 1 (without joining the Petitioner No.1 as a party Respondent) has been decided by the Revenue Minister, in absence of the Petitioner No.1, and an order dated 05.07.2021 allowing the Revision Application is passed thereby causing prejudice to the Petitioner No.1. We, therefore, set aside the order dated 05.07.2021 passed by the Revenue Minister and direct him to forthwith hear the concerned parties including the Petitioner and pass a fresh speaking order on the Revision Application No. RTS - 2720/397/P.K.-262/J-4 of 2019 in accordance with law and not later than four weeks from today. The parties are at liberty to also file written submissions which the Revenue Minister will deal with in his Order.

3. All contentions of the parties including the contention qua limitation are kept open.

4. In view of the above, the Writ Petition is disposed of.

[MILIND N. JADHAV, J.]

[S.J. KATHAWALLA, J.]