

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 439 OF 2020**

Maruti Mahadu Walunj Decd Through LHRs & Ors. V/s. Devram Baban Walunj & Ors.	...Petitioners ...Respondents
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Mr. Dilip Bodake, for the Petitioners.
Mr. Ramesh Tripathi a/w Anand Pandey, for Respondent Nos. 1 & 2.
Smt. V. S. Nimbalkar, AGP, for Respondent Nos. 4 & 5-State.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 10th June, 2022**

P.C. :

1. Heard, Mr. Bodake, learned counsel appearing for the Petitioners, Mr. Ramesh Tripathi, learned counsel appearing for the Respondent Nos. 1 and 2, and Smt. V. S. Nimbalkar, learned AGP, for the Respondent Nos. 4 & 5.

2. Mr. Bodake, learned counsel appearing for the Petitioners submitted that, very limited relief is sought in the present Petition. He submitted that, his Revision Application is pending before the

Respondent No. 5 challenging order dated 30th October, 2019 passed by Respondent No. 4- Additional Commissioner, Revenue Department, Pune Division, Pune. The said Revision Application is pending for about 3 years. He submitted that, the Respondent No. 5 be directed to dispose of the said Revision within time bound manner. He pointed out, order dated 03rd February, 2020 passed in this Petition by this Court granting ad-interim relief. He submitted, the same be continued, till disposal of Revision Application and for a period of two weeks thereafter, if the decision of Revision is adverse to the Petitioner.

3. Mr. Tripathi, learned counsel appearing for the Respondent Nos. 1 & 2 submitted that as far as the disposal of Revision in time bound manner is concerned, he has no objection however, for continuation of ad-interim relief, the same be not granted. He pointed out that all the authorities have held against the Petitioner.

4. Smt. Nimbalkar, the learned AGP submitted that, the Respondent No. 5 will decide the Revision within time limit as directed by this Court.

5. As the Revision before the Respondent No. 3 is pending

for about 3 years all the parties are agreeable that the same be directed to be disposed of in time bound manner. As far as relief regarding continuation of ad-interim relief, granted by this Court is concerned, perusal of record shows that the ad-interim order granted by this Court on 3rd February, 2020 is in operation till date i.e. for more than two and half years.

6. In view of facts and circumstances of this case following order is passed.

ORDER

- (i) The Respondent No. 5 – Principal Secretary, Appeals and Revisions, Revenue & Forest Department, Government of Maharashtra, Mantralaya, Mumbai is directed to dispose of RTS Appeal/Revision Application submitted on 18th November, 2019 by the Petitioners *inter alia* challenging order dated 30th October, 2019 passed by the Respondent No. 4- Additional Commissioner, Pune Division, Pune in RTS Appeal- Revision Application 327 of 2018 within a

period of four months from today.

(ii) Till the disposal of said Revision and for a period of two weeks thereafter, if an adverse order is passed against the Petitioners, ad-interim relief, granted by this Court in terms of prayer clause (c) by order dated 3rd February, 2020 shall remain in operation.

(iii) It is specifically made clear that, this Court has not considered merits of the case and all contentions on merits are expressly kept open.

(iv) The Writ Petition is disposed of in above terms with no order as to cost.

(MADHAV J. JAMDAR, J)