

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.3094 OF 2023

**MOHAN PRABHAKAR VAIDYA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr. Yashodeep P. Deshmukh
AGP for Respondents: Mr. D.R. Kale.

**CORAM : NITIN W. SAMBRE AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 20th MARCH 2023

P.C.:-

Heard Mr. Deshmukh, Advocate for the petitioner.

2. It is the case of the petitioner that the petitioner being joint owner of the property in question was aggrieved by the mutation entries approved by the revenue authorities without his knowledge, thereby jeopardizing the title to the suit property. According to him, in an earlier round of litigation before this Court in W.P. No. 14924 of 2021 with C.A. No. 555 of 2022, this Court on 1st February, 2022 granted certain directions in favour of the petitioner. As such, he claimed that not only directions and protection order therein is adhered to by the respondent authorities, but their conduct in passing the impugned order, which is subject matter of revision in Revision Petition Nos.3096 of 2022 and 137 of 2022, demonstrates that some-how the petitioner is to be divested of the property in question without following the due process of law.

3. Mr. Deshmukh would urge that revision petitions preferred by the petitioner are pending since last more than six months and neither the said petitions nor stay applications are decided.

4. We have called upon the In-charge Govt. Pleader to respond to the aforesaid submissions.

5. Mr. Kale, In-charge Govt. Pleader would urge that in the facts and circumstances of the case, the Court may pass appropriate order, thereby directing expeditious disposal of the revisions.

6. We have appreciated the rival submissions.

7. This Court, while deciding W.P. No. 14924 of 2021 has made the following observations :-

“ In the wake of the pendency of the review application before the very same authority, where the petitioner alleging that the order is passed without adhering to the principles of natural justice and he was not even noticed, it is incumbent upon the said authority to decide the said review application.....

.....The order passed by this Court, restraining the respondent from alienating the property shall continue to govern the parties for further period of six weeks, within which the Additional Commissioner is directed to culminate the proceedings”.

8. Fact remains that if this court has made aforesaid observations, the least, that was expected of the respondent authorities, was to comply with the same.

9. Apart from above, the fact that stay application of the petitioner, during the pendency of the revision before the State Government is not decided, we are left with no other option but to pass workable order in the matter. All the revenue authorities are hereby directed to maintain status-quo in relation to the possession, as the rider of not creating third party interest is ordered to be continued till the decision of revision. As a sequel of aforesaid order, pending stay application before the revenue authorities stands disposed of.

10. In the facts and circumstances of the case, we direct the State Government to decide both the revisions, which are pending before it, as expeditiously as possible and in any case before 31st July, 2023. The petitioner assures that he shall be appearing before the State on 30th March, 2023.

11. With above directions, writ petition stands disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

[NITIN W. SAMBRE]
JUDGE

grt/-