

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1090 OF 2023

Vijaya Rama Ugale And Ors.

...Petitioners

Versus

State Of Maharashtra Thru Prin. Secretary, And Ors.

...Respondents

Mr.Kiran G. Kulkarni a/w. Ms.Kavita D. Vijapure i/b. Mr.D.V. Sutar, for
Petitioners.

Ms.Kavita N. Solunke, AGP for Respondent Nos.1 to 3-State.

CORAM : R.D. DHANUKA &
M.M. SATHAYE, JJ.

DATED : 7th FEBRUARY, 2023

P.C. :

1. Rule. Ms Solunke, learned A.G.P. waives service for the Respondents.
Rule is made returnable forthwith. With consent of the parties, the matter is
taken up for final hearing.

2. By this petition, filed under Article 226 of the Constitution of India, the
Petitioner is seeking a writ of Mandamus for direction to Respondent No.1 to
hear and decide the Petitioners' pending Revision Application in a time bound
manner.

3. Learned counsel for the Petitioners invited our attention to the first
Order dated 12.02.2019 under which this Court had already directed the State
Government to decide Revision Application which is dated 31.12.2015.

4. He further invited our attention to the Order dated 28.01.2022 in which once again directions were given to Respondent-State to hear all the concerned/parties and decide the pending Revision Application within a time bound manner.

5. It is a common ground before us that the Petitioners' pending Revision Application is not yet decided by the Respondent-State. Learned A.G.P, for Respondent-State seeks further time of six months to decide the pending Revision Application. Learned A.G.P, for Respondent-State further states that Revision Application will be decided by the State Revenue Minister.

6. In view of the fact that already the Revision Application is pending since 2015 and already two Orders of this Court are passed, six months' time cannot be granted. In that view of the matter, we pass following order:

- (a) The Petitioners will appear before the State Revenue Minister on 20.02.2023 at 11 am.
- (b) The State Revenue Minister is directed to hear the Petitioners and consider the documents produced on record in support of their case.
- (c) There is already a direction given under the Order dated 28.01.2022 about giving a hearing to the Petitioner, the same direction will continue.

- (d) The State Revenue Minister to decide the Petitioners' pending Revision Application within four weeks from 20.02.2023 in accordance with law.
 - (e) It is clarified that this Court has not expressed any opinion about the merits of the Petitioner's Revision Application and the same will be decided on its own merits.
 - (f) The Order that will be passed in the pending Revision Application will be communicated to the Petitioners, within one week from the date of the decision.
 - (g) If the Revision Application is allowed, then consequential orders will be passed within two weeks from the date of such decision. If any adverse order is passed, then the Petitioners would be at liberty to take appropriate proceedings in accordance with law.
- 7. The writ petition is disposed off.
 - 8. Rule is made absolute in the aforesaid terms. No order as to costs.
 - 9. All concerned to act on an authenticated copy of this order.

(M.M. SATHAYE, J.)

(R.D. DHANUKA, J.)