

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1503 OF 2023

Ratnakar Dyandeo Pawar

..Petitioner

Vs.

Secretary, Department of

Revenue & Forest & Ors.

..Respondents

Mr. Kishor Patil a/w Pratik Rohade, for the Petitioner.

Mr. M. S. Bane, AGP for the State.

Mr. S. S. Shah a/w F.A. Wasif and A. I. Wasif for the Respondent

Nos. 5 to 19.

CORAM:- R. D. DHANUKA AND

M.M. SATHAYE JJ.

DATE :- 8th FEBRUARY , 2023

P. C.:

1. The learned AGP waives service for the Respondent No.2.
2. Mr. Shah waives service for the Respondent Nos. 5 to 19.
3. Rule is made returnable forthwith.
4. By this Petition filed under Article 226 of the Constitution of India, the Petitioner seeks a writ certiorari for quashing and setting

aside the communication dated 4th January, 2023 passed by the Respondent No.1 the Secretary, Department of Revenue and Forest, Mantralaya.

5. By consent of the Petitioner and the Respondent Nos. 5 to 19, the following order is passed:

- i. The order dated 4th January, 2023 passed by the Respondent No.1 is quashed and set aside.
- ii. The complaint filed by the Respondent Nos. 5 to 19 on 21st March, 2022 before the Collector for seeking withdrawal of the order passed by the Revenue Minister on 9th September 2014 is restored to file before the learned Revenue Minister.
- iii. The learned Counsel for the Petitioner and the learned Counsel for the Respondent Nos. 5 to 19 agree that their respective clients would appear before the Revenue Minister, Maharashtra State on 15th February, 2023 at 11.00 am and copy of such complaint shall be made available to the learned Counsel for the Petitioner by Respondent Nos. 5 to 19 within three days from today.
- iv. The Petitioner would be at liberty to file reply to such complaint

within a period of one week thereafter.

- v. The learned Revenue Minister himself shall consider the said complaint made by the Respondent Nos. 5 to 19 unless such powers can be delegated to an officer as permissible under the provisions of Maharashtra Land Revenue Code. If the powers are delegated to any officer who can hear and decide such complaint and orders in that regard shall be passed by the learned Revenue Minister delegating such powers in favour of such officer. Such order shall be communicated to both the parties by the learned Revenue Minister. If the date assigned and agreed by the parties is not convenient to the learned Revenue Minister, earlier convenient date shall be communicated to both the parties with 72 hours' clear notice giving a direction to remain present.
- vi. The learned Revenue Minister or such officer who would be delegated such powers in accordance with law shall pass orders on such complaint after hearing both the parties and considering their submissions and documents within a period of eight weeks from the date of such hearing without being influenced by the reference orders passed by the Respondent No.1 dated 4th January, 2023 in accordance with law.
- vii. The order that will be passed by the learned Revenue Minister or

such authority, that would be delegated such powers, shall be communicated to both parties from the date of passing of such order. If the order is adverse to any of the parties, no steps shall be taken to implement such orders that will be passed for a period of two weeks from the date of communication of such order.

viii. All contentions of both the parties are kept open.

ix. The Writ Petition is allowed in the aforesaid terms.

x. Rule is made absolute. No order as to costs.

xi. The learned AGP to communicate this order to the learned Revenue Minister for information and compliance.

xii. Parties to act upon authenticated copy of this order.

(M.M. SATHAYE, J.)

(R. D. DHANUKA, J.)