



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10923 OF 2023

Ramniklal Nemichand Shah

.Petitioner

Vs.

The State of Maharashtra & ors.

.Respondents

WITH
WRIT PETITION NO. 11879 OF 2023

Naresh Laxmichand Bhatia

.Petitioner

Vs.

The State of Maharashtra & ors.

.Respondents

Mr. R. D. Suryawanshi, Advocate, for the Petitioner in W. P. No. 10923 of 2023

Ms Divya D. Jain, Advocate, for the Petitioner in W. P. No. 11879 of 2023

Mr. P. G. Sawant, AGP, for the Respondent – State

Mr. Jagdish G. Aradwad(Reddy), Advocate, for Respondent Nos. 2 to 7

CORAM : MADHAV J. JAMDAR, J.

DATE : 25.09.2023

P. C.

1. The impugned order in both Writ Petitions is the same order.

2. The respective Petitioners are challenging legality and validity of the order dated 26.07.2023 passed by Hon'ble

Minister for Revenue, Maharashtra State, Mantralaya, Mumbai
in RTS Revision No. 2722/PK 281/J-4.

3. All the learned counsel agree that the impugned order has been passed without passing order in delay condonation Application filed in the said proceedings. All the learned counsel for the contesting parties tender Minutes of Order. They state that no reasons are required to be given for passing the order in terms of the Minutes of Order. The Minutes of Order are signed by learned counsel for the Petitioners in both Writ Petitions as well as learned counsel for Respondent Nos. 2 to 7. The said Minutes of Order are taken on record and marked as “X” for identification. The said Minutes of Order reads as under :-

“1.The Petitioners in the above writ petitions challenges the order dated 26.7.2023 passed by the Learned Minister for Revenue, Animal Husbandry Dairy Department, Maharashtra State, Mantralaya, Mumbai in RTS Revision No.2722/PK 281/J-4. By the impugned order, the Learned Minister for Revenue allowed the revision of the Respondent Nos. 2 to 7 (in Writ Petition No. 10923 of 2023) thereby setting aside the order dated 8.6.2017 passed by the Ld. Additional Commissioner, Konkan Division in Appeal/Desk/RTS/Revision /176/2013, order dated 5.1.2013 passed by the Ld. Deputy Collector (Appeals), Thane in RTS/Admission/Appeal No.333 of 2011, order

passed by the Ld. Sub-Divisional Officer, Thane in RTS Appeal No.46/2011 and restored the Mutation Entry Nos.45 and 667 330 on record.

2. That the impugned order passed by the Learned Minister for Revenue, Animal Husbandry Dairy Department, Maharashtra State, Mantralaya, Mumbai in RTS Revision No.2722/PK 281/J-4 without deciding the delay condonation application filed by the Respondent Nos. 2 to 7 (in Writ Petition No. 10923 of 2023).

3. In view of the above, the impugned order dated 26.7.2023 passed by the Learned Minister for Revenue, Animal Husbandry Dairy Department, Maharashtra State, Mantralaya, Mumbai in RTS Revision No.2722/PK 281/J-4 is quashed and set aside and RTS Revision No.2722/PK 281/J-4 is remanded back to Learned Minister for Revenue, Animal Husbandry Dairy Department, Maharashtra State, Mantralaya, Mumbai with directions to decide delay condonation application & Revision application filed by the Respondent Nos. 2 to 7 (in Writ Petition No. 10923 of 2023) on its own merits and pass order on the said Application & Revision by giving opportunity of hearing to all the parties to the said revision and then decide.

4. All contentions of parties are kept open , and this Court has not expressed any opinion on the merits / demerits of the subject matter.

5. The Learned Minister is requested to decide the RTS Revision No.2722/PK 281/J-4 & delay condonation application therein as expeditiously as possible

and preferably within a period of 8 weeks from today.”

4. Accordingly, Writ Petitions are disposed of in terms of Minutes of Order with no order as to costs.

(MADHAV J. JAMDAR, J.)