

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.13271 OF 2022

Kumudini Devdutta Rajwade and Ors. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. L.M. Acharrya a/w Ms. Prachi Tatke i/b Mr. Anish Khandekar
for the Petitioners.

Ms. K.N. Solunke, AGP for the Respondent-State.

**CORAM: R. D. DHANUKA AND
M.M.SATHAYE JJ.**

DATE : 30th JANUARY 2023

PC. :-

1. Learned counsel for the Petitioners, on instructions, seeks leave of the Court to delete Respondent No.5. Leave granted. Amendment to be carried out during the course of the day. Re-verification is dispensed with.
2. Rule. Ms. Solunke, learned AGP for State waives service for Respondent Nos. 1 to 4. Rule made returnable forthwith. Heard finally by consent of the parties.

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3. By this Petition filed under Article 226 of the Constitution of India, Petitioners are seeking directions to Respondent No. 2-Minister of Revenue to comply with the order passed by this Court on 5th February 2009 in Writ Petition No. 1554 of 2009.

4. Learned Counsel for the Petitioners invited our attention to order dated 5th February 2009, in which State Government was directed to decide the proceedings (Review Petition which was suo-moto Review), within four months from the date of that order. The grievance of the Petitioners is that said proceedings of Review Petition are still not decided and same are pending.

5. Learned AGP for Respondent Nos. 1 to 4, on instructions, make a statement that pending Review proceedings No. RTS/2815/File No. 18/J 4(A) will be decided within a period of three months from today. Statement is accepted.

6. In that view of the matter, we pass the following order

ORDER

(a) Petitioners are directed to appear before Respondent No.

2- Minister of Revenue on 6th February 2023 at 11.00 a.m.

(b) Respondent No. 2 is directed to decide pending Review proceedings No. RTS/2815/File No. 18/J 4(A) after giving personal hearing to the Petitioners and after considering documents on record, within three months from today in accordance with law.

(c) The pending Review proceedings shall be decided without being influenced by the observations made in order dated 26th November 2008 passed by the State Government.

(d) The order that would be passed by Respondent No. 2, shall be communicated to the Petitioners within one week from the date of passing of such order.

(e) It is clarified that if adverse order is passed against the Petitioners, they would be at liberty to file appropriate proceedings as permissible in law and in that case, Respondents shall not take coercive steps against the Petitioners, for a period of two weeks from the date of communication of such order to the Petitioners.

(f) Learned AGP to communicate this order to Respondent No. 2.

(g) Writ Petition is disposed of. Rule is made absolute in the aforesaid terms. No order as to costs.

(h) All concerned to act on an authenticated copy of this order.

[M.M.SATHAYE,J.]

[R. D. DHANUKA, J.]