

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12858 OF 2022**

Yashwant Lahanu Vartha and Ors. ... Petitioners
versus
State of Maharashtra and Ors. ... Respondents

Mr. Abhijit B. Kadam, for Petitioners.
Mr. C.D.Mali, AGP for State.
Ms. Vrishali Raje for Respondent Nos.5 to 8.

CORAM: N.J.JAMADAR, J.

DATE : 24 MARCH 2023

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order passed by the Additional Commissioner, Konkan Division in RTS Revision No.353 of 2021 dated 2 August 2022 whereby the Additional Commissioner allowed the Revision by setting aside the order passed by the Additional Collector, Palghar in Appeal No.42 of 2021 dated 3 August 2021 and restored the order passed by the Assistant Collector, Javhar in RTS Appeal SR No.1 of 2020 dated 27 November 2020.
3. The Petitioners have assailed the impugned order before the State Government in Revision Application under Section 257 of the Maharashtra Land Revenue Code, 1966 on 14 September 2022. However, since the said Revision application was not then registered and heard, the Petitioners preferred this Petition.

4. By an order dated 14 November 2022 this Court was persuaded to grant ad-interim relief in terms of prayer clause (c), thereby staying the operation, execution and implementation of the order passed by the Addl. Commissioner, Konkan Division dated 2 August 2022, restoring the order passed by the Assistant Collector, Javhar in RTS Appeal SR No.1 of 2020 dated 27 November 2020. The said ad-interim order was further continued by an order dated 18 November 2022 and the Petition was directed to be listed on 2 December 2022. It seems the Petition could not, thereafter, be listed.

5. The learned Counsel for the Petitioners makes a grievance that in the intervening period, despite the said ad-interim order having been brought to the notice of the revenue authorities, mutation entry No.528 came to be effected on 15 February 2023 and the names of the Petitioners have been deleted from the record of right of the subject land.

6. Evidently, this Court has granted ad-interim relief. It was to operate till 2 December 2022. It does not seem that the matter has, thereafter, been listed.

7. Without delving into the question as to whether the parties should have restrained from giving effect to the impugned order and since the Revision Application is awaiting adjudication before the State Government, it would be expedient to direct the Revisional authority to decide the Revision Application as expeditiously as possible and, in the meanwhile, stay the effect and operation of the impugned order as well as

the mutation entry No.528 dated 15 February 2023.

7. Hence, the following order :

ORDER

(i) The Petition stands disposed with a direction to the State Government to decide the Revision Application preferred by the Petitioners under Section 257 of the Maharashtra Land Revenue Code, 1966, assailing the impugned order, as expeditiously as possible and preferably within a period of four months from the date of the appearance of the parties.

(ii) The parties shall appear before the Revisional Authority on 19 April 2023 at 11.00 a.m.

(iii) In the meanwhile, there shall be stay to the effect and operation of the impugned order and mutation entry No.528 dated 15 February 2023.

(N.J.JAMADAR, J.)