

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

WRIT PETITION NO.14170 OF 2023

Laxman Rama Mhatre
(since deceased) through legal heirs
Gujabai Laxman Mhatre & Ors.

...Petitioners

Versus

The Hon'ble Revenue Minister
Government of Maharashtra
Mantralaya, Mumbai & Ors.

...Respondents

Mr. D. S. Mhaispurkar a/w. Mr. S. M. Mangaonkar, for the Petitioners.

Mr. C .D. Mali, AGP, for the State/Respondent Nos.1 to 4 & 21.

CORAM : MADHAV J. JAMDAR, J.

DATED : 9th NOVEMBER 2023

P.C. :

1. Heard Mr. Mhaispurkar, learned counsel appearing for the Petitioners and Mr. Mali, learned AGP appearing for Respondent Nos.1 to 4 and 21.

2. The challenge in this Writ Petition is to the order dated 21st July 2023 passed by the Sub Divisional Officer, Kalyan Division, Kalyan in RTS Delay Application No.103 of 2023.

3. Mr. Mhaispurkar, learned counsel appearing for the Petitioners states that delay of 24 years and 11 months has been condoned by the impugned order. He further states that Revision Application is

filed challenging the same impugned order dated 21st July 2023 before the Hon'ble Revenue Minister, Government of Maharashtra. However, the said Revision Application is not being taken up for hearing and in the meanwhile, the learned Sub Divisional Officer is proceeding with the RTS Appeal.

4. In view of the above submissions, Mr. Mali, learned AGP states that he has received written instructions by letter dated 8th November 2023 informing that the said Revision Application challenging the order dated 21st July 2023 of Sub Divisional Officer, Kalyan Division, Kalyan in RTS Delay Application No.103 of 2023 will be disposed of within a period of six months from today.

5. In view of the said submission, I am disposing of the Writ Petition without issuing notice to the other Respondents as challenge to said order dated 21st July 2023 is not considered on merits. The Writ Petition is disposed of by passing following directions:-

A) Hon'ble Revenue Minister, Government of Maharashtra is requested to decide the Revision Application challenging the order dated 21st July 2023 passed by the Sub Divisional Officer, Kalyan Division, Kalyan in RTS Delay Application No.103 of 2023 on or before 30th April 2024.

B) Till the disposal of the Revision Application before the Hon'ble Revenue Minister, the proceedings in RTS Appeal No.170 of 2023 before the Sub Divisional Officer, Kalyan Division, Kalyan shall remain stayed.

6. It is clarified that this Court has not considered the merits and all contentions on merits in said Revision Application pending before the Hon'ble Revenue Minister as well as contentions raised in RTS Appeal No.170 of 2023 are expressly kept open.

7. It is further clarified that as this Court has not considered the challenge to the legality and validity of order dated 21st July 2023 and has granted only limited relief of expediting the Revision Application pending before the Hon'ble Revenue Minister and till that time, directed not to proceed with the said RTS Appeal No.170 of 2023, the notice is not issued to the other Respondents. Therefore, it is clarified that, if other Respondents are aggrieved by this order, then they can file appropriate Interim Application for setting aside/modification of this order.

8. The Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]