

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

Digitally signed by
VASANT ANANDRAO
IDHOL
Date: 2023.02.15
10:53:14 +0530

WRIT PETITION NO.314 OF 2023

Bharat V. Khandebharad & Ors. ...Petitioners
V/s.
State of Maharashtra & Ors. ...Respondents

Mr.Bhooshan R. Mandlik for the Petitioners.

Ms.M.S. Bhende, AGP for the State – Respondent Nos.1 to 3.

CORAM : R.D. DHANUKA &
M.M. SATHAYE , JJ.
DATE : 14TH FEBRUARY, 2023.

P.C. :-

1. Rule. Learned AGP waives service for the Respondent Nos.1 to 3. Rule is made returnable forthwith. By consent of parties the Writ Petition is heard forthwith.
2. By this Petition filed under Article 226 of the Constitution of India, the Petitioners seek a writ of mandamus directing the Respondent No.3 (Collector of Pune) to submit / forward the report to the Respondent No.1 (State of Maharashtra, through Minister of State, Department of Revenue) as called for by the Respondent No.1 and further directing the Respondent No.1 (State of Maharashtra, through Minister of State, Department of Revenue) to decide the

Petitioners' pending Revision Application No.2315 of 2017.

3. Ms.Bhende, learned AGP for the State – Respondents submits that if reasonable time is given, necessary action can be taken by the Respondent Nos.1 and 3.

4. In that view of the matter, considering the fact that the Petitioners' Revision Application is pending since 2017, we pass the following order :-

a). The Respondent No.3 is directed to send necessary report to the Respondent No.1 within four weeks from today. Learned AGP to communicate this order to the Respondent No.3.

b). We further direct the Respondent No.1 (State of Maharashtra, through Minister of State, Department of Revenue) to decide the pending Revision Application No.2315 of 2017 within four weeks from the date of receipt of the report from the Respondent No.3, in accordance with law.

c). It is clarified that this Court has not expressed any view on the merits of the Petitioners' Revision Application and the same shall be decided in accordance with law.

d). If the Revision Application is allowed, necessary consequential order be passed within three weeks from the date of decision by the Respondent No.1 (State of Maharashtra, through Minister of State, Department of Revenue).

e). If the Revision Application is rejected, the Petitioners would be entitled to file necessary proceedings in accordance with law.

5. The Writ Petition is disposed off in aforesaid terms. There shall be no order as to costs. Parties to act on the authenticated copy of this order.

(M.M. SATHAYE , J.)

(R.D. DHANUKA, J.)