Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15193 OF 2023

Ramniklal Nemchand Shah ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

Mr. R. D. Suryawanshi, for the Petitioner.

Mrs. V. S. Nimbalkar, AGP, for the Respondent Nos.1, 22 to 26-State.

Mr. Darshit K. Jain i/b Divya Jain, for Respondent No.21.

CORAM : MADHAV J. JAMDAR, J.
DATED : DECEMBER 06, 2023

P.C.:

1. Heard Mr. Suryawanshi, learned counsel appearing for the Petitioner, Mrs. Nimbalkar, learned AGP for the Respondent Nos.1, 22 to 26-State and Mr. Jain, learned counsel appearing for Respondent No.21.

2. The challenge in the present Writ Petition is to the legality and validity of the order dated 3rd November 2023 passed by the Hon'ble Revenue Minister in RTS Revision No.2722/PK 281/J-4(hereinafter referred to as **"the impugned order"**), by which the delay in filing the Revision challenging the order dated 8th June 2017 has been condoned.

3. It is the main contention of Mr. Suryawanshi, learned counsel appearing for the Petitioner that the Petitioner was not heard before deciding the delay condonation application in the said Revision Proceedings before the Hon'ble Minister. He states that, the Revision was listed for hearing on 4th December 2023 and on that day, it was informed to the Hon'ble Revenue Minister that the present Writ Petition is pending. However, without hearing the Petitioner even on merits, the Hon'ble Minister has closed the said Revision for order without granting hearing.

4. A perusal of the impugned order shows that the order dated 8th June 2017 passed by the Additional Commissioner, Konkan Division, Mumbai was challenged by filing Tenancy Revision Application No.L/465/2017 before the learned Maharashtra Revenue Tribunal (**"MRT"**) and the same was withdrawn on 25th February 2020. It is true that the same has been withdrawn on some other ground and the said Revision before the Hon'ble Minister has been filed on 1st February 2022.

5. Due to the Covid-19 pandemic, the Hon'ble Supreme Court has directed that the period from 15th March 2020 till 28th February 2022 shall stand excluded for the purposes of limitation. It is true that the said Revision before the MRT was not withdrawn for the purpose of filing Revision before the State Government. However, valid reasons are given for the condonation of delay and there is no infirmity in the order passed by the Hon'ble Minister of condoning the delay.

6. In view of these circumstances, Mr. Suryawanshi, learned counsel appearing for the Petitioner states that the Petitioner be granted a hearing as far as the main Revision is concerned, and he has instructions to not to press the challenge to the impugned order dated 3rd November 2023 by which delay has been condoned in filing the Revision before the Hon'ble Minister.

7. Accordingly, the Writ Petition is disposed of by passing the following order :-

(i) As the Petitioner is not pressing the challenge to the impugned order passed by the Hon'ble Revenue Minister dated 3rd November 2023, condoning the delay in filing Revision challenging the order dated 8th June 2017, nothing survives in the Writ Petition.

(ii) However, the Petitioner be granted liberty to make oral submissions by the Hon'ble Revenue Minister in RTS Revision No.2722/PK 281/J-4 and for that purpose, the Petitioner and all parties to appear before the Hon'ble Revenue Minister on 10th January 2024. The Hon'ble Revenue Minister to hear the Petitioner and all concerned on 10th January 2024, or thereafter.

(iii) The Petitioner and other parties are also at liberty to file written submissions.

(iv) The Hon'ble Revenue Minister to dispose of the Revision bearing RTS Revision No.2722/PK 281/J-4 by giving adequate opportunity to the Petitioner.

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

[MADHAV J. JAMDAR, J.]