

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 6247/2018

SMT. SANGEETA W/O ATUL GOYAL ... VS STATE OF MAHARASHTRA AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. C.S. Dharmadhikari, Advocate for the petitioner
Mr. H.D. Dubey, AGP for respondent nos 1 to 4 and 9
Mr. D.J. Sindhu, Advocate for respondent no. 5
Mr. R.A. Jain, Advocate for respondent nos. 6 and 7

CORAM : A. S. KILOR, J.

DATED : 13/06/2023

Heard.

2. The learned Counsel for the petitioner submits that the Mutation Entry in the name of the father of the petitioner was challenged after 41 years with an application for condonation of delay. The delay was condoned by the respondent no. 4 against which the petitioner carried a revision application before the respondent no. 3 – Deputy Director of Land Records, who has upheld the order of the respondent no. 4 vide order dated 30.03.2017. The petitioner feeling aggrieved by the said order carried the same in a revision before the respondent no. 2 - the Hon'ble Minister which came to be rejected by the Hon'ble Minister on the ground that the revision before the respondent no. 3 was not maintainable in view of the judgment of this Court

in the case of *Ramanlal s/o Kachardas Bakliwal and anr. Vs. Niyaj Mohammad Khan Akhil Khan and ors.*¹ .

3. In the above referred backdrop, the learned Counsel for the petitioner submits that he may be permitted to withdraw the present writ petition and file a revision application challenging the order passed by the respondent no. 4 condoning the delay. He further prays for continuation of interim relief till the decision of the application of grant of interim relief by the State Government.

4. Mr. Dubey, the learned AGP and Mr. Sindhu, the learned Counsel for the respondent no. 5 have no objection for withdrawal of the present writ petition and for grant of liberty to the petitioner to file a revision application as prayed for before the State Government.

5. Accordingly, the writ petition is **disposed of** with liberty to the petitioner to file a revision application challenging the order passed by the respondent no. 4 condoning the delay for filing an appeal challenging the Mutation Entry in the name of the father of the petitioner.

6. The Hon'ble Minister shall consider the period exhausted by the petitioner in pursuing the revision application before the respondent no. 3, the revision application before the respondent no. 2 and in the present

1 2004(2) ALL MR 49

writ petition while considering the point of limitation, if the revision application is filed within a period of three weeks from today.

7. The Hon'ble Minister shall decide the revision application within a period of six months from the date of filing of the same in accordance with law.

8. If the revision application is filed within three weeks alongwith an application for interim relief, the petitioner is directed to serve the copy of the revision application as well as the application for interim relief in advance to the other side.

9. If the application for interim relief is filed, the Hon'ble Minister shall decide the same within ten days from the date of filing of the same.

10. Stay granted by this Court vide order dated 26.09.2018 shall continue to operate till the decision on the application for interim relief.

JUDGE