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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8332 OF 2024

PRABHUGIR DHARMGIR GIRI AND ANOTHER

....Petitioner

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

.....Respondent

.....

Advocate for the Petitioner : Mr. Deshpande Manohar S And Umakant P
Giri

AGP for Respondents: Mr. P.D. Patil.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 6th AUGUST, 2024.

ORDER :-

1. Learned advocate for the petitioner submits that the order passed by the Additional Divisional Commissioner, Aurangabad dated 22.7.2024 has been assailed by the petitioner in Revision application NO. 3538 of 2024 before the Honourable Minister for Forest and Revenue Department, Mantralaya, Mumbai.

2. Said revision application is accompanied by an application seeking stay to the impugned order. However, the Honourable Minister was not available for hearing. Therefore, no orders are passed. He points out that now, the petitioners are served with notice dated 6.8.2024 by the Talathi, Sajja Kingaon, Taluka Ahmedpur, stating that if stay order is not received, he shall implement the order.

3. Petitioner has already availed alternate remedy of revision before the Honourable Minister. He has also filed application seeking stay to the impugned order. Therefore, it is for the petitioner to pursue the revision application and stay petition before the Honourable Minister. The writ petition against the order passed by the Divisional Commissioner can not be entertained when petitioner has already availed alternate remedy of revision. However, the Honourable Minister is requested to take up application seeking stay filed by the petitioner as expeditiously as possible and in any case within four weeks from today.

4. Meanwhile, it is expected that no coercive action is taken against the petitioner. It is made clear that this court has not expressly granted any interim stay to the impugned order.

5. Writ petition stands disposed of with aforesaid observations.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-