

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

16 WRIT PETITION NO. 3004 OF 2024

RAJHOJI NARAYAN JAYBHAYEE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

...
Advocate for the Petitioners : Mr. Shivprasad G. Jadhavar
AGP for Respondents: Ms. M.L. Sangit
...

CORAM : S. G. MEHARE, J.

DATE : 01st APRIL, 2024.

PER COURT :

1. Issue notice to the respondents, returnable on 29.04.2024.
2. Learned AGP waives service of notice for respondents/State.
3. Learned Counsel for the petitioners alleged that the office of the Hon'ble Minister has not registered the Revision. He applied to the office of the Hon'ble Minister on 07.02.2024 for listing the Revision/Stay application. However, nothing happened. He again applied in the same way on 16.02.2024.
4. It is matter of mutation entry in the revenue record. It also appears from the record that there was a Civil Suit between the same parties before the Civil Court filed in 2004. The said

suit was decided on 30.10.2011. The petitioners had impugned its judgment and decree in appeal. The said appeal was partly allowed. The injunction was issued against respondent Nos. 3 and 3A not to interfere the possession of the petitioners' suit property.

5. The plaintiffs' claim of ownership was dismissed. The judgment of the Civil Court reveals that the plaintiffs were not declared owners of the suit land. However, their possession was protected. The Mutation Entry taken upon the possession does not confer the title. The issue of title has been adjudicated in civil suit. The Writ Petition is limited for the relief of directions to the Hon'ble Minister to decide the Revision Application at the earliest.

6. The learned AGP is requested to take instructions about what really happened in the revision filed by the petitioners and why it has not been listed yet, on or before 29.04.2024.

7. In the mean time, there shall be a *status-quo*, till the next date.

(S. G. MEHARE)
JUDGE