

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 394 OF 2024

Baban Mohana Jare (since deceased)

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr. Sumit Kothari for the Petitioner.

Mr. A. I. Patel, Addl.G.P. a/w Ms. M. S. Bane, AGP for Respondent No.1.

Mr. Vijaykuamr Bhima Dighe for Respondent Nos. 2(a) to 2(g).

CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.

DATE : JANUARY 17, 2024

P. C.

1. The above Writ Petition is filed seeking a direction to Respondent No.1 to forthwith hear the stay application filed by the Petitioner in Revision Application No. RTS 3423/2031/No.470/J-5 under Section 257 of the Maharashtra Land Revenue Code, 1966 [**Exhibit-L** to the Petition].

2. The facts of the matter reveal that originally, in January, 1972, mutation entry 2487 was recorded in the 7/12 extract of the property which

forms the subject matter of the present Petition. This mutation entry was challenged by Respondent Nos. 2(a) to 2(g) in the year 2022 by filing an Appeal under Section 247 of the Maharashtra Land Revenue Code, 1966. Along with the Appeal, an application for condonation of delay [of about 50 years] was also filed. This application for condonation of delay was allowed by the District Inspector Land Records [DILR] on 21st June, 2023. Being aggrieved by the order passed by the DILR [condoning the delay], the Petitioner approached the Revisional Authority [the Revenue Minister] under Section 257, by filing a Revision Application along with a prayer to stay the proceedings before the DILR. The grievance made before us is that till date, the Revisional Authority has neither heard the stay application nor the Revision Application, and in the meanwhile, the DILR has proceeded to hear the matter and has closed it for orders on 2nd January, 2024.

3. Having heard the learned Counsel for the parties and considering the peculiar facts and circumstances of the present case, we dispose of the above Writ Petition by requesting the Revisional Authority to hear the Revision Application filed by the Petitioner herein as expeditiously as possible and preferably within a period of three months from today. In the meanwhile, and until the Revisional Authority takes its decision, we direct that the DILR shall

not pronounce the order in the Application/Appeal filed by Respondent Nos. 2(a) to 2(g).

4. The above Writ Petition is accordingly disposed of. No order as to costs.

5. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]