

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2559 OF 2024

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1. Yashwant Dhondiba Malode
& Anr.

.. Petitioners

Versus

1. Smt.Pakulabai Rajaram Jadhav
& Ors.

...Respondents

Mr.Nikhil Manohar Pujari, Advocate for Petitioners.

**Mr.A.I. Patel, Addl. G.P. a/w. Ms.M.S. Bane, AGP for Respondent
Nos.1 & 3-State.**

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

DATE : MARCH 06, 2024.

P C:

1. The above Writ Petition is filed seeking the following reliefs :

a) Issue an appropriate Writ/Order quashing and setting aside the Order dated 30.10.2023, in RTS Appeal No. 428 of 2022, passed by the Learned Additional Commissioner Nashik Division, Nashik.

b) Issue an Appropriate Writ/order directing the Respondent No.10 to decide the Application for Stay and main RTS Appeal being No. 2413 of 2023 filed by present Petitioners before the Hon'ble Minister for Revenue, Mantralaya, Mumbai, in time bound manner.

c) Pending the hearing and final disposal of the present Petition and RTS Appeal No. 2413 of 2023 filed before the Hon'ble Minister for Revenue, Mantralaya, Mumbai, the operation, execution and implementation of impugned order dated 30.10.2023 passed by the Learned Additional Commissioner Nashik Division, Nashik, in RTS Appeal No. 428 of 2022, may kindly be stayed.

d) Pending the hearing and final disposal of the present Petition and in RTS Appeal No.2413 of 2023 filed before the Hon'ble Minister for Revenue, Mantralaya, Mumbai, the Respondent Nos. 1 to 6 may be restrained from entering their names in revenue record and further may be restrained not to create any third party interest through themselves or their agents or any other person till the final disposal of the present Writ Petition.

2. As far as prayer clause (a) is concerned, the learned Advocate appearing on behalf of the Petitioners fairly submitted that he is not pressing prayer clause (a) because the same is the subject matter of the RTS Appeal No.2413 of 2023 pending before the Hon'ble Minister for Revenue, Mantralaya, Mumbai.

3. The learned Advocate appearing on behalf of the Petitioners submitted that RTS Appeal No. 2413 of 2023 and the Stay Application filed by the Petitioners have not yet been decided by the Hon'ble Minister for Revenue. The only relief sought is a direction to the Hon'ble Minister to either hear and decide the Appeal or the Stay Application filed by the Petitioners, and in the meanwhile, Respondent Nos.1 to 6 may be restrained from entering their names in the revenue record or from creating any third party interest through themselves or their agents or

any other person till the disposal of the Writ Petition.

4. We have heard the learned Advocate for the Petitioners and the learned AGP for the State. RTS Appeal No. 2413 of 2023 was filed by the Petitioners on 21st December 2023. In that Appeal, a Stay Application was also filed on 13th January 2024. The reason for seeking the above urgent relief is because the Talathi, Taluka Chandwad, District Nashik, by his letter dated 1st January 2024, has informed the Petitioners that if no protective orders are obtained, he shall proceed to incorporate the names of Respondent Nos.1 to 6 in the 7/12 extracts of the property which forms the subject matter of the above Petition.

5. Considering the limited relief sought by the Petitioners and the peculiar circumstances of this case, we dispose of the above Writ Petition by requesting the Hon'ble Minister for Revenue, Mantralaya, Mumbai to hear and dispose of either RTS Appeal No.2413 of 2023 or the Stay Application filed therein, within a period of six weeks from the date when this order is brought to his notice.

6. In the meanwhile, if the names of Respondent Nos.1 to 6 have not yet been entered in the 7/12 extracts of the property which forms the subject matter of the present Writ Petition, the same shall not be done till

the Stay Application or the RTS Appeal No. 2413 of 2023 filed by the Petitioners is decided by the Hon'ble Minister for Revenue, Mantralaya, Mumbai.

7. We may hasten to add that this interim order shall not preclude the Hon'ble Minister from hearing the Stay Application and rejecting the same, if he does not find any merit. We have stated this because we have granted this interim protection only, so that the Stay Application of the Petitioners is not rendered infructuous. We have not gone into the merits of the present matter which shall be decided by the Hon'ble Minister when he decide either the Stay Application or RTS Application No. 2413 of 2023.

8. The Writ Petition is accordingly disposed of. However, there shall be no order as to costs.

9. 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.]