

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12735 OF 2024**

Nawab Nazish Ali Khan

... Petitioner

Versus

M/s. Herbal Hotel Pvt. Ltd. and ors.

... Respondents

Mr. Ashok B. Tajane, Advocate for the Petitioner.

Ms. V. R. Raje, AGP for Respondent Nos.2 to 7-State.

CORAM : R. M. JOSHI, J.

DATED : 24th SEPTEMBER, 2024.

P.C. :

1. Heard.

2. Learned counsel for the petitioner submits that in spite of the fact that the petitioner had challenged order dated 17th April 2023 passed by the Collector, Solapur, in exercise of powers under Section 53 of the Maharashtra Land Revenue Code (for short "the Code") before Additional Commissioner in Revision Application No.38 of 2023, the Minister has entertained a revision against the same order filed by respondent No.1. It is his submission that the order passed by the Collector is not final order in order to enable the Minister to take cognizance thereof in exercise of powers under Section 257 read with Section 259 of the Code. It is his specific submission that though the Minister was pointed out the fact about the pendency of revision before the Additional Commissioner, however, in complete ignorance thereof, impugned order came to be passed.

3. Perusal of the Code prima facie does not indicate that the order passed by the Collector in exercise of powers under Section 53 of the Code is a final order to enable the State to entertain a revision under Section 257 read with Section 259 of the Act. More particularly when it was brought to the notice of the Minister that a revision filed under Section 257 of the Code before the Additional Commissioner is pending against the order passed by the Collector, it was not open for the Minister to assume jurisdiction under Section 257 read with Section 259 of the Code. The petitioner, therefore, has made out arguable case for stay of the impugned order till next date of hearing. Hence, issue notice to the respondents returnable on 24th October 2024.

3. Ms. Raje, learned AGP waives service on behalf of respondent Nos.2 to 7.

4. Till next date of hearing, there shall be stay to the impugned order.

(R. M. JOSHI, J.)