



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14721 OF 2024

Markandeshwar Mandir Seva Trust and Ors.

... Petitioners.

Versus

State of Maharashtra and Ors.

... Respondents.

Mr. Sanjiv Sawant a/w. Mr.Bhakti Vast i/by Samir M. Suryawanshi, for the
Petitioners.

Mr. B.B.Dahiphale, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : October 21, 2024

P. C. :

1. Not on board. Upon mentioning, taken on production board.
2. The petition has been moved urgently, challenging the impugned order dated 30th September, 2024 rejecting the Petitioners' Revision Application on the ground of maintainability.
3. Mr. Sawant, learned counsel appearing for the Petitioner would submit that in the proceedings filed under Section 50 of the Maharashtra Land Revenue Code, 1966, the Collector had directed the removal of the Petitioner's structure which was thereafter protected by the Divisional Commissioner by order dated 5th August, 2022 till the next date of hearing in the Appeal proceedings pending before the Divisional Commissioner. He would further submit that the proceedings were closed on 29th June, 2024 and no order was communicated to the Petitioner. He submits that

subsequently the Petitioner became aware of the order of 30th September, 2024 which is impugned in the present case rejecting the Revision Application on the ground of maintainability. He would further point out that the impugned order is devoid of any reasons and discussions. He would further submit that there was no issue of maintainability raised by the Respondent and despite thereof, by a very cryptic order, the Revision Application has been rejected on the ground of maintainability. He submits that the structure have been duly protected till 30th September, 2024 and seeks extension till Petition is heard.

4. In view of the urgency, the office of the Government Pleader was served and the notice was sent by courier to the Respondent No.4. Considering that the Petitioner's structure was protected till 30th September, 2024 and thereafter by a very cryptic order, the Revision Application of the Petitioner is dismissed, the Petitioner's structure which enjoyed the protection till passing of order is required to be protected till the next date of hearing.

5. List the Petition under the caption for "circulation" on **12th November, 2024.**

6. Till the next date, no coercive action be taken as regards the petitioner's structure.

[Sharmila U. Deshmukh, J.]