

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7538 OF 2022

Bashir Pathan Rashid Pathan And Others

VERSUS

The State Of Maharashtra Through The Secretary And Others

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Advocate for the Petitioner : Ms. Fatema Kazi h/f Mr. Kazi S.S.

AGP for Respondent/State : Mr. R.B. Dhaware

Advocate for Respondent No.6 : Mr. G.R. Syed

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 04, 2025

PER COURT :

1. This Court on 21.07.2022 passed the following order :

" Heard.

2. *A revision preferred by the petitioners under Section 257 of the Maharashtra Land Revenue Code has been pending before the State Government.*

3. *The learned A.G.P. on instructions, makes a statement that the Secretary of the concerned department would place it before the learned Minister, if and when he takes the charge.*

4. *The petitioners and the contesting respondent Nos. 5 to 7 are before the State Government in a revision preferred by the petitioners under Section 257 of the Maharashtra Land Revenue Code, 1966. The appeal is not being heard. However, simultaneously, pursuant to the order passed by the subordinate revenue officers, with a view to implement the order which is sub judice before the State Government Tahsildar Shrirampur by communication dated 06.07.2022 has called upon the petitioners to remain present for vacating the writ property on 22.07.2022.*

4. *The learned advocate Mrs. Fatema Kazi h/f Mr. S.S. Kazi learned advocate for the petitioners submits that the petitioners*

are holding possession on the basis of a will of one Kashinath Pawar. A compromise was entered into between the petitioners and the respondent Nos. 5 to 7 who are the heirs of Kashinath Pawar touching the aspect of will. It was presented before the learned Additional Collector. The respondent Nos. 5 to 7 had specifically admitted execution of the will and even the fact about petitioners having derived right, title and interest in the property in dispute pursuant to such bequest. Ignoring such compromise the Additional Collector had passed the order which is currently under challenge before the State Government.

5. The learned advocate further submits that independently, the petitioners have also filed a regular civil suit seeking a declaration about they being the owners of the property by virtue of the will and seeking injunction. Even temporary injunction has been claimed in that suit but the respondents Nos. 5 to 7 are not filing any reply and have been prolonging the matter.

6. Considering the fact that by virtue of the notice under challenge possession is likely to be taken on 22.07.2022 and taking note of all the aforementioned state of affairs, the purpose of filing the petition would be lost if the possession is taken in the meantime.

7. Issue notice to the respondents, returnable on 19.08.2022. Learned A.G.P. waives service for the respondent Nos. 1 to 4. There shall be ad interim relief in terms of prayer clause 'D' till the next date.

8. Parties to act on authenticated copy of this order

2. Both the counsels have submitted that substantive revision application is pending before the State Government. Therefore, without going into the merits of the matter and as the interim order is in operation since 21.07.2022, I deem it appropriate to dispose of the petition by continuing the interim order which was

in operation since 21.07.2022 and direct the State Government to decide the revision within a period of six months from today.

3. Writ Petition stands disposed of. Interim order to continue till the State Government decides the revision.

4. It is made clear that this Court has not recorded any finding on the merits of the matter and interim order is being continued only because it is in operation since 21.07.2022.

(SIDDHESHWAR S. THOMBRE, J.)