



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

47 WRIT PETITION NO. 10686 OF 2025

BIBHISHAN NIVRUTTI PATIL

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...

Mr. S. N. Patne, Advocate for the Petitioner

Mrs. B. B. Gunjal, AGP for Respondent Nos.1 to 4

Mr. V. C. Solshe, Advocate for Respondent Nos.6 to 8

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 04.03.2026

PER COURT :-

. Feeling aggrieved by the order dated 22.05.2025 passed by the Hon'ble Minister, Revenue and Forest Department, Mantralaya Mumbai in क. अपिल—२०२३/प्र.क.३५८/ज—७अ, प्र.क.२६६ (०७) [२०२४/अवप](#) , the petitioner has filed the present petition.

2. Mr. Patne, learned counsel for the petitioner, submits that due to certain personal medical difficulties, the petitioner could not remain present to prosecute his appeal before the Hon'ble Minister. He further submits that, by the impugned order, the appeal came to be dismissed on the ground that the petitioner was not interested in prosecuting the appeal.

3. Mr. Patne further submits that due to the aforesaid difficulty and certain miscommunication between the petitioner and his legal consultant, the

petitioner could not effectively prosecute the appeal before the Hon'ble Minister. He submits that the petitioner undertakes to prosecute the appeal if permitted by this Court and shall diligently pursue the same.

4. Mrs. B. B. Gunjal, learned AGP, opposes the writ petition and submits that the authority has rightly recorded that the petitioner failed to diligently prosecute the appeal. She submits that the authority was not at fault in passing the impugned order and that the impugned order deserves to be sustained.

5. Heard both the parties.

6. It appears that the petitioner remained absent on certain dates when the appeal was listed for hearing. Due to the absence of the petitioner and other respondents, the impugned order came to be passed. Consequently, the dispute raised by the petitioner before the Hon'ble Minister has remained unadjudicated on its merits.

7. In my view, the petitioner ought to be granted at least one opportunity to agitate his claim on merits before the Hon'ble Minister.

8. In view of the above, the following order is passed :

ORDER

- a. The writ petition is allowed.
- b. The petitioner and respondent Nos.6 to 8 shall appear before respondent No.1 – Secretary, Revenue and Forest

Department, Mantralaya, Mumbai on 1st April 2026.

- c. The respondent No.1 shall thereafter grant a suitable date to the parties for hearing in the appeal.
- d. The petitioner and respondent Nos.6 to 8 undertakes not to seek any adjournment in the matter and shall diligently attend every date of hearing.
- e. The respondent No.1 shall adjudicate the appeal of the petitioner on its own merits within a period of three (3) months from the date of appearance of the parties i.e. 1st April 2026.

[AJIT B. KADETHANKAR, J.]