



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9839 OF 2024

Syed Abbas Husain Ahmed Husain And Another
VERSUS
The State Of Maharashtra Through Principal Secretary
And Others

- Mr. S. S. Bora, Advocate for the Petitioners
- Mr. V. S. Badakh, AGP for the Respondent Nos. 1 to 3/State

CORAM : KISHORE C. SANT, J
DATE : SEPTEMBER 09, 2024

PER COURT :

1. Heard for some time.
2. Petitioner had challenged the order passed by the Hon'ble Revenue Minister dated 25.06.2024 in Appeal No. 2022/Pra.Kra/294/J-7 rejecting the revision application.
3. The learned Advocate for the Petitioners submit that in fact the first order passed by the SDO which ultimately confirmed by the superior authorities itself is illegal as the said is passed without

jurisdiction. The learned SDO by its order dated 31.12.2019 had allowed the Appeal filed by the sisters i.e., Respondent Nos. 4 and 5 directing to cancel mutation entries. However, in the said proceeding he has further passed an order directing not to create any third party interest in the property till civil Court decides the rights of the parties. He points out that clause 5 of the order is totally without jurisdiction. He further submits that as a matter of fact and record, no parties have approached the Civil court and no suit is pending in any of the Courts.

4. Considering above, issue notice to the Respondents, returnable on 21st October, 2024. Learned AGP waives service of notice on behalf of Respondent Nos. 1 to 3/State.

5. Till next date, there shall be ad-interim relief in terms of prayer clause 'C'.

(KISHORE C. SANT, J.)