

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO.1970 OF 2014
WITH
WRIT PETITION NO.1974 OF 2014

Idea Cellular Limited,
a Company incorporated under
the Companies Act, 1956 and
having its Registered Office at
Suman Towers, Plot No.18,
Sector-II, Gandhinagar, Gujarat
and having regional office at
11/1, Sharada Center,
Erandwane, Pune 411 004
through its Authorized Signatory,
Prashant Dataram Madkaikar

.. Petitioner

Versus

1. State of Maharashtra,
Through District Collector,
Ahmednagar
2. The Sub divisional Officer,
Karjat, District Ahmednagar
3. The Tahsildar,
Karjat, Taluka Karjat,
District Ahmednagar

.. Respondents

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.. Petitioner

Versus

1. State of Maharashtra,
Through District Collector,
Ahmednagar
 2. The Sub divisional Officer,
Karjat, District Ahmednagar
 3. The Tahsildar,
Jamkhed, Taluka Karjat,
District Ahmednagar
- .. Respondents

Mr S.S.Jadhavar, Advocate for petitioner
Mrs Y.M.Kshirsagar, A.G.P. for respondents

CORAM : N.W. SAMBRE, J.

DATE : 24th February 2015

PER COURT

1. These two writ petitions take an exception to the order dated 14th February 2014 passed by respondent No.2 - Sub Divisional Officer, Karjat in RTS Appeal Nos.2/2014 and 3/2014, whereby the said authority has rejected the prayer for grant of stay to the order passed by the Tahsildar directing the present petitioner to deposit the royalty along with penalty for illegal excavation.
2. The petitions were heard by this Court on earlier occasion and the interest of the present petitioner is protected by granting interim relief.
3. The fact remains that at the behest of the petitioner, two appeals viz. RTS Appeal No.2/2014 and 3/2014 are pending against the order of Tahsildar, before the respondent No.2 - Sub Divisional Officer, Karjat, District Ahmednagar.

4. There is no doubt that the tenability of appeal under the relevant provisions of Maharashtra Land Revenue Code is not in dispute. What is objected in the present petitions is the refusal of the prayer for grant of stay by the respondent No.2, as according to petitioner, no illegal excavation was carried out while conducting activity under the permission of the revenue authority. Learned Counsel for the petitioner clarifies that the excavation was done for the purpose of laying down underground cable.

5. Be that as it may. As the present petitions are pending for a considerable time, the respondent No.2 - Sub Divisional Officer, Karjat is directed to decide the RTA Appeal Nos.2/2014 and 3/2014 within a period of three months from today. The interim arrangement ordered by this Court in the present petitions shall continue till the decision of the appeals by the Sub Divisional Officer, Karjat.

6. Writ Petitions stand disposed of in above terms.

(N.W. SAMBRE, J.)

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