

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

WRIT PETITION NO. 6771 OF 2015

Shri Shivaji Trimbak Bodhare Petitioner

versus

Shri Pramod s/o Anandrao Jivrag & ors. Respondents

Mr. Kakasaheb B. Jadhav, Advocate for petitioner

Mr. S. K. Tambe, Assistant Government Pleader for respondents
no.3, 4 and 5

CORAM : SUNIL P. DESHMUKH, J.
13TH JULY, 2015

ORDER:

1. Heard learned counsel for the petitioner as well as learned Assistant Government Pleader for respondents no. 3, 4 and 5.

2. Learned counsel for the petitioner contends that Sub Divisional Officer-Respondent No. 3 has passed the impugned order dated 8-06-2015 in appeal, staying the order of respondent no.4-tahsildar dated 03-06-2015. Subsequently, petitioner had approached the authority concerned, however, the matter could not be heard. He further submits that the report annexed at Exhibit-H to writ petition (page 42) submitted by Sub Inspector, to the Superintendent of Police (Rural), Aurangabad, is for police protection to petitioner. He further submits that the police report indicates the position on the spot and, therefore, he considers the matter to be urgent since sowing season is already on.

3. It is further being submitted that the proceedings are under the Mamlatdars Courts Act, however, appeal under section 247 of the Maharashtra Land Revenue Code, 1966 is filed and in such proceedings, impugned order has been passed.

4. Taking into account that the appeal along with application for stay is pending, it is appropriate for the petitioner to press his request for hearing of stay application before the appellate authority and also bring to its notice aforesaid objection with reference to maintainability of appeal. It is for the appellate authority to consider the matter of stay and maintainability of proceedings. Since it is being contended that there is urgency as sowing season is on, I think it appropriate that the concerned authority would decide the application for stay within a period of one month from the date of receipt of writ of this order.

5. With directions as aforesaid, writ petition is disposed of.

SUNIL P. DESHMUKH, J.

pnd