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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5392 OF 2011

Kolhapur Zilla Sahakari Dudh Utpadak Sangh Ltd. ..Petitioner.

V/s.

The Collector, Kolhapur and Ors.

..Respondents.

Mr.Amit B.Borkar for the petitioner.

Mr.V.S.Gokhale, AGP for respondent No.3.

**CORAM : A.S.OKA AND
V.L.ACHLIYA, JJ.**

DATED : 13TH OCTOBER, 2015

P.C. :-

1. On the last date, the learned counsel appearing for the petitioner pointed out that the application made by the petitioner under sub-section (1) of section 48 of the Land Acquisition Officer, 1894 is pending before the Divisional Commissioner. A copy of the said application has been annexed at Exhibit-D which shows that the application was filed on 22nd December, 2010 in the office of the Divisional Commissioner, Pune. On the last date, time was granted to the learned AGP to take instructions as regards the status of the said application. The learned AGP states that he has not received any instructions. Hence, we need not keep the petition pending and the same is disposed of by passing the following

order;-

- (i) We direct that the authorised representative of the petitioner shall appear before the Divisional Commissioner, Pune on 31st October, 2015 at 11.00 a.m.;
- (ii) The authorised representative of the petitioner shall produce an authenticated copy of this order as well as a copy of the application dated 22nd December, 2015 (Exhibit-D to the petition) before the Divisional Commissioner, Pune on that date;
- (iii) If the said application has been already decided, a copy of the order passed on the said application be served to the petitioner within a period of two weeks from 31st October, 2015;
- (iv) If the application is still pending, the Divisional Commissioner shall decide the said application as expeditiously as possible and in any event before the end of the year;
- (v) Till the date of communication of the order passed on the application, ad-interim relief which is operating till today,

shall continue to operate;

- (vi) If the order passed be adverse to the petitioner, the ad-interim relief shall continue to operate for a period of one month from the date of the communication of the said order to the petitioner;
- (vii) We make it clear that no adjudication has been made on merits of the application;
- (viii) The petition is disposed of in the above terms;
- (ix) All contentions are kept open.
- (x) All concerned to act upon an authenticated copy of this order.

(V.L.ACHLIYA, J.)

(A.S.OKA. J.)