

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7479 OF 2014

Suresh B. Ahuja & ors. .. Petitioners
vs.
The Additional Divisional
Commissioner, Pune Division & ors. .. Respondents.

WITH
CIVIL APPLICATION NO. 2303 OF 2014
IN
WRIT PETITION NO. 7479 OF 2014

Suresh B. Ahuja .. Applicant.

In the matter between
Suresh B. Ahuja & ors. .. Petitioners
vs.
The Additional Divisional
Commissioner, Pune Division & ors. .. Respondents.

Mr. A.Y. Sakhare, Sr. Advocate a/w. Mr. Joel Carlos and S.P.
Kanuga i/b Sapna Nath for Petitioners/Applicant
Ms Aparna Vhatkar, AGP for Respondent No.1.
Mr. Yuvraj Narvankar for Respondent No.2.
Ms Jaymala J. Ostwal i/b J.J. Associates for Respondent No.3.

CORAM : M. S. SONAK, J.
DATE : 12 FEBRUARY, 2015.

P.C. :-

1] This petition is directed against the stay order granted by the Additional Commissioner on 7 July 2014 in Revision Application No.149 of 2014 instituted by respondent Nos.2 and 3 impugning the order made by the Additional Collector dated 4 July 2014.

2] Admittedly, the impugned stay order was made only upto the returnable date, which was 19 July 2014. However, before the said date, the petitioners have instituted the present petition and obtained stay on further proceedings. Accordingly, the impugned stay order continues in force.

3] Rather than interfere with the interim order, it would be appropriate if the Additional Commissioner is directed to dispose of the Revision Application itself, within six weeks from today, without fail. This is because, learned counsel for the petitioners has pointed out that there are several orders made by the several authorities, including this Court, which according to the learned counsel for the petitioners make it clear that the property in-question is covered under the provisions of Displaced Persons (Compensation and Rehabilitation) Act, 1954. Learned counsel for the petitioners, therefore, contends that even the Revision Application would in fact not be maintainable.

4] Although this Court, at this stage, is not interfering with the impugned order, it must be made clear that the impugned order in fact, suffers from a major deficiencies, inasmuch as, it states no reason whatsoever for the purposes of grant of interim relief.

Ordinarily, it is necessary that some reasons, howsoever brief are stated even at the stage of grant of interim reliefs. The impugned order is not being interfered only because it would be appropriate if the Revision Application itself is disposed of within a period of six weeks from today and not because the impugned order is liable to be upheld on merits. In fact, this Court has not gone into the merits of the matter. All issues and contentions of either parties are kept specifically open.

5] However, it is once again emphasized that considering the history of the matter, the Additional Commissioner to ensure that the Revision Application itself is disposed of within a period of six weeks from today, without fail.

6] The parties to appear before the Additional Commissioner on 23 February 2015 at 11.00 a.m., alongwith an authenticated copy of this order.

7] This petition is, accordingly, disposed of. There shall be no order as to costs.

8] All parties to act upon an authenticated copy of this Court.

9] In view of disposal of the main petition, Civil Application No.2303 of 2014 does not survive and the same is disposed of, accordingly.

(M. S. SONAK, J.)

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