

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6687 OF 2014

Mr. Dattatraya Sakharam Arvikar. .. Petitioner

Vs

The Tahsildar and ALT, Shirur (Pune)
and Others. .. Respondents

--

Shri Mahendra Agvekar along with Shri Mandar Limaye for the
Petitioner.

Shri V.S. Gokhale, AGP for Respondent Nos.1 to 3.

—

CORAM : A.S. OKA & A.K MENON, JJ

DATED : 7TH JANUARY 2015

PC.

1. The grievance in this Petition is that the Application made by the Petitioner on 1st February 2010 before the First Respondent for implementation of the earlier order passed under the Bombay Tenancy and Agricultural Lands Act, 1948 (for short “the said Act”) has been kept pending though several requests in writing were made by the Petitioner to the concerned Authority to dispose of the Application. The learned AGP submitted that the Petitioner before approaching this Court could have made a grievance before the superior officers of the concerned Authority before which the Application is pending.

2. It is true that the Petitioner could have approached the higher Authorities. However, in the present case, the Petitioner is

relying upon the order dated 29th June 1978 passed by the Additional Tahasildar and Agricultural Lands Tribunal, Shirur, District Pune, under which a direction was given to terminate the tenancy of the tenant in respect of the suit land and to evict him summarily from the said land. It is pointed out that the said order has been confirmed upto this Court. The grievance of the Petitioner is that the Application made by him before the First Respondent is only for implementation of the order passed in the year 1978. Considering these peculiar facts, a direction will have to be issued to the First Respondent to decide the Application within specified time.

3. Accordingly, we pass the following order:

ORDER :

- (a) We direct the Petitioner to appear before the concerned Authority before which the Application of the Petitioner is pending on 29th January 2015 at 11.00 a.m.;
- (b) The Petitioner shall produce an authenticated copy of this order before the said Authority;

- (c) We direct the concerned Authority to decide the said Application as expeditiously as possible and preferably within a period of six months from the date fixed for appearance of the Petitioner before it;
- (d) We make it clear that we have not made any adjudication on merits of the Application and the same will have to be decided by the concerned Authority in accordance with law;
- (e) The Petition is disposed of on above terms.

(A.K. MENON, J)

(A.S. OKA, J)