

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3166 OF 2014

Sujatha Umakant Savant and ors.

.. Petitioners

vs.

The Additional Collector, Sangli
and ors.

.. Respondents

Mr.P.G. Lad i/b Aparna Muralidharan for the Petitioners.

Mr. S.D. Rayrikar, AGP for Respondent Nos.1 and 2.

Mr. A.V. Anturkar, Sr. Advocate a/w. Prathamesh Bhargude i/b S.B.
Deshmukh for Respondent No.3.

CORAM : M. S. SONAK, J.

DATE : 4 MARCH, 2015

P.C. :-

1] Rule. With the consent of and at the request of learned counsel for the parties, Rule is made returnable forthwith.

2] Although there is remedy by way of an appeal provided to challenge the impugned order, in the peculiar facts and circumstances of the present case, the present petition is being entertained.

3] The records reveal that the Additional Collector, by order dated 3 February 2014, has made an order in favour of the

petitioners. However, thereafter by an another order dated 20 February 2014, the Additional Collector directed to maintain *status quo*.

4] On the alleged ground that such *status quo* order dated 20 February 2014 was made by the Additional Collector without notice to the petitioners, the petitioners instituted the present petition.

5] On the ground that the present petition was pending, the petitioners applied for adjournment before the Additional Collector in the review petition, wherein the *status quo* order had been made on 20 February 2014. On one occasion, the adjournment was granted, however, on the later occasion the adjournment was declined and the Additional Collector had made the impugned order dated 29 March 2014, reviewing his earlier order dated 3 February 2014, which was in favour of the petitioners.

6] Mr. P.G. Lad, learned counsel for the Petitioners, submits that before the impugned order dated 29 March 2014 was made, the advocate for the petitioners had merely applied for adjournment and not made any submission on merits of the matter. In such

circumstances, Mr. Lad submitted that yet another opportunity of hearing is required to be given to the petitioners.

7] Mr. A.V. Anturkar, learned senior counsel for respondent No.3, submits that there is no proposition that merely because the matter is pending in this Court, the authority hearing the review petition had to stay its hands. Further, the Additional Collector did give one adjournment to the petitioners. Further, Mr. Anturkar also submitted that records indicate that the advocate for the petitioners was present and therefore, was heard before the impugned order was made.

8] Rather than go into such issues, interest of justice would be met if the impugned order dated 29 March 2014 is set aside. However, there shall be no interference with the order made on 20 February 2014, by which *status quo* was directed to be maintained. In fact, it is directed that the parties shall maintain *status quo* and not act upon the order dated 3 February 2014 made by the Additional Collector.

9] The Additional Collector is directed to dispose of the review petition after affording opportunity of hearing to the petitioners and the respondents through their respective advocates. Such review petition shall be disposed of within a period of two months from today. For this purpose, the parties or their advocates to appear before the Additional Collector on 19 March 2015 at 11.00 a.m. to obtain directions in the matter of expeditious disposal of the review petition.

10] It is clarified that this Court has not examined the merits of the matter and all contentions of all the parties are kept open for the decision by the Additional Collector on its own merits and in accordance with law.

11] Rule is disposed of in the aforesaid terms. There shall be no order as to costs.

12] All parties to act upon an authenticated copy of this order.

(M. S. SONAK, J.)