

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4867 OF 2015

Smt. Anjana Gulab Jadhav & Ors. .. Petitioners
VS.
Sub Divisional Officer, Daund
Purandar Sub Division & Ors. .. Respondents

Mr. R. S. Apte - Senior Advocate i/b. Ms Manjiri Parasnis for
Petitioners.

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

CORAM : M. S. SONAK, J.
DATE: 27 OCTOBER 2015

P.C. :-

1] The challenge in this Writ Petition is to the order dated 20 February 2015, by which the Sub Divisional Officer, Daund, has granted a stay against the implementation of order dated 14 June 2013 made by the Tahsildar. The order dated 14 June 2013 was made by the Tahsildar and it is the Tahsildar who had himself preferred Appeal before the Sub Divisional Officer, Daund.

2] Mr. Apte, the learned Senior Advocate for the Petitioners had contended that the Tahsildar was not competent to prefer Appeal against his own order. The Appeal being incompetent, the stay order dated 20 February 2015 granted therein, was in patent excess of jurisdiction.

3] The matter was adjourned to enable the learned AGP to obtain instructions. Mr. Rayrikar, the learned AGP has today placed on record communication dated 10 July 2015 from the Sub Divisional Officer, Daund. The communication in terms state that the Appeal by the Tahsildar against his own order was incompetent and therefore, the Sub Divisional Officer has dismissed the Appeal. The communication also records that possibility of action under Section 257 of the Maharashtra Land Revenue Code is however being explored. The communication dated 10 July 2015 is taken on record.

4] Since, the Appeal instituted by the Tahsildar is itself disposed of, the impugned order dated 20 February 2015, obviously does not survive. There is accordingly no necessity to entertain the present Petition and strike down the same. The Petition has been worked out, in view of the disposal of the main Appeal by the Sub Divisional Officer.

5] The learned counsel for the Petitioners states that the Petitioners have yet to receive the order made by the Sub Divisional Officer disposing of the Appeal. That need not detain this Court, in view of the categorical communication dated 10 July 2015,

which is now taken on record.

6] It is clarified that this Court has not examined merits of the matter and therefore, rights and contentions of all the parties are specifically kept open.

7] The Writ Petition is disposed of accordingly.

(M. S. SONAK, J.)

Chandka