

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9896 OF 2015

Nikhil Rasiklal Makhecha	..	Petitioner
VS.		
The Sub Divisional Officer, Thane Division & Ors.	..	Respondents

Mr. Janak Dwarkadas – Senior Advocate with Mr. Cyrus Ardeshir and Ms Prachi Dhanani i/b. Veritas Legal for Petitioner.
Mr. A. D. Kango – AGP for Respondent Nos. 1, 2 and 4.
Mr. Zal Andhyarazuna with Mr. Deepak P. for Respondent Nos. 7 and 8.
Mr. Chirag Balsara i/b MDP Partners for Respondent Nos. 11 and 12.

CORAM : M. S. SONAK, J.
DATE: 07 OCTOBER 2015

P.C. :-

- 1] **Not on board. Upon production, taken on board.**
- 2] This petition challenges order dated 6 August 2015 made by the Sub Divisional Officer, Thane Division, Thane, under the provisions of the Maharashtra Land Revenue Code, 1966 (Code).
- 3] As against the impugned order, there is a statutory appeal provided under Section 247 of the Code. As such, there is no necessity to entertain the present petition. Further, in terms of Section 256 (2) of the Code, the Appellate Authority has been empowered to grant interim relief.

4] In fact it is pointed out that as against the impugned order dated 6 August 2015, two of the Respondent No(s) 7 and 8 have already instituted appeals invoking the provisions contained in Section 247 of the Code.

5] Mr. Dwarkadas, the learned Senior Advocate appearing for the Petitioner states that the Petitioner will institute appeal within a period of one week from today.

6] The learned counsel appearing for the Respondent Nos. 7 and 8 who have already filed appeals on 21 August 2015 requests that the orders be made for expedition of appeals instituted by the Respondent Nos. 7 and 8.

7] Considering the facts and circumstances of the present case, in case the Petitioner institutes an appeal within a week from today, the Appellate Authority to consider taking up the said appeal along with appeals instituted by the Respondent Nos. 7 and 8 and disposing of the same as expeditiously as possible and in any case within a period of three months from the date of production of authenticated copy of this order.

8] It is made clear that this Court has not adverted to the merits of the matter and therefore all contentions of all parties are left open to be decided by the Appellate Authority.

9] Subject to the aforesaid, this petition is dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)

Chandka

CERTIFICATE

“Certified to be true and correct copy of the original
signed Order.”