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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION (L.) NO.27475 OF 2015**

Arjun Ramkrishna Patil

Petitioner

Vs.

The Tahasildar, Thane and Ors.

Respondents

Mr. Girish Godbole a/w Mr. Swapnil Ambure and Raghav Meshotra i/by  
Shri Dinesh Tiwari and Associates, for the Petitioner.

Mr. V.S. Gokhale, AGP, for the Respondent.

**CORAM : A.S. OKA &  
VL. ACHLIYA, JJ.**

**DATE : 14<sup>th</sup> OCTOBER, 2015**

**P.C.**

. **Not on board. Taken on board.**

. Heard the learned counsel appearing for the Petitioner and the learned AGP for the Respondents. For challenging the order made by the Tahsildar under Sub-section (7) of Section 48 of the Maharashtra Land Revenue Code, 1966 an Appeal was preferred by the Petitioner before the Sub-Divisional Officer, Bhiwandi. The said Appeal was dismissed. A Second Appeal has been preferred by the Petitioner before the Additional Collector, Thane. The grievance is that an application for stay in Appeal is not being considered by the Additional Collector. Today, the learned counsel appearing for the Petitioner has tendered across the Bar the order dated 29<sup>th</sup> September, 2015 passed by the Additional

Collector in RTS Appeal No.6 of 2015 which shows that the Appeal has been fixed on 21<sup>st</sup> October, 2015.

2. We accept the statement made by the learned counsel appearing for the Petitioner on instructions that no order has been passed on the application for stay.

3. Considering the fact that the Appeal is pending and is already fixed on 21<sup>st</sup> October, 2015, we dispose of the Petition by passing the following order :-

#### ORDER

(i) We direct the Additional Collector, Thane to take up for hearing the application for stay in Appeal No.6 of 2015 and to decide the same as expeditiously as possible and in any event on or before 21<sup>st</sup> November, 2015;

(ii) Till 30<sup>th</sup> November, 2015, no steps shall be taken for recovery of the amount due and payable under the order dated 15<sup>th</sup> June, 2015 passed by the Tahasildar;

(iii) We make it clear that prayer for stay as well as Appeal shall be decided by the Additional Collector without being influenced by limited protection granted

by this Court to the Petitioner;

(iv) All contentions on merits are kept open. The  
Petition is disposed of;

(vi) Additional Collector to act upon an authenticated  
copy of this order.

**(V.L. ACHLIYA, J )**

**(A.S. OKA, J )**