

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (STAMP) NO.30431 OF 2015

Maruti Kondiba Gidde and Anr.] ... Petitioners

Versus

Shri Ganpati Shankar Kokate]
(Since Deceased) and Ors.] ... Respondents

Mr. S. A. Tarale for Petitioners.
Mrs. Vaishali Nimbalkar, A.G.P., for Respondent Nos.38 to 41.

CORAM :- M. S. SONAK, J.
DATE :- DECEMBER 05, 2015

P. C. :-

1. The challenge in this petition is to the order dated 21/10/2015 whereby the Divisional Commissioner, Pune, has declined interim relief pending the hearing of the revision petition instituted by the petitioner before him.

2. The record reveals that Tahsildar, SDO and Additional Collector have held against the petitioner. There is no record that during the pendency of proceedings before the SDO and Additional Commissioner in appeal and revision respectively, there was any interim relief in favour of the petitioner. In these circumstances, the

discretion exercised by the Additional Commissioner at the interim stage cannot be said to be vitiated by jurisdictional error or perversity. Petition is accordingly dismissed. There shall be no order as to costs.

3. It is, however, clarified that the dismissal of this petition should not influence the Additional Commissioner from deciding the petitioner's revision application on its own merits and in accordance with law. In fact, the Additional Commissioner should endeavour to dispose petitioner's revision application as expeditiously as possible and in any case, within a period of three months from today.

4. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)