

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.29938 of 2015

ORDER

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents.

The petitioners claim that they were granted house site pattas in H.S.R.Dis.10/1416, dated 19.06.2007. The Revenue Divisional Officer-3rd respondent herein has, however, directed resumption of lands and cancellation of pattas by his order dated 23.05.2015. The petitioners state that they have immediately filed an appeal along with stay petition on 13.08.2015, which is now pending before the second respondent.

Under the impugned proceedings, the Collector has taken up the appeal and stay petition. While calling for records in the appeal, stay petition of the petitioners was rejected. To that extent the petitioners are aggrieved and stated that from 2007, they continued to be in possession and the conclusions of the Revenue Divisional Officer are not justified.

There appears to be several factual aspects including one of the land owners resisting their claim in W.P.No.8060 of 2009, which is stated to be pending

on the file of this Court. Another W.P.No.3974 of 2011 is also stated to be pending wherein interim orders were passed by this Court.

In view of the facts and circumstances of the case and that the petitioners house pattas are for the first time cancelled after a gap of eight years and the appeal is pending before the 2nd respondent, in my view, it would be in the interest of justice to hear and dispose of the appeal by directing that *status quo* existing as on today shall be maintained.

The Writ Petition, is, therefore disposed of directing the 2nd respondent to fix a date for hearing and decide the appeal in accordance with law, as expeditiously as possible. Pending hearing of the appeal, *status quo* with regard to the house site pattas of the petitioners existing as on today be maintained. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE VILAS V.AFZULPURKAR

18th September, 2015
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Note: Issue CC by one week