

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.30143 of 2015

ORDER:

Heard.

The petitioner, who has filed an appeal in CCLA's Ref.No.BCW3/198/2015 before the 6th respondent, is aggrieved by the order, dated 19-08-2015 passed by the 6th respondent, wherein while admitting the appeal, the request for grant of stay was rejected on the ground that the assignment in favour of the petitioner was found to be irregular and against the norms.

Learned counsel for the petitioner states that the petitioner was neither rich nor ineligible as on the date of assignment and thereafter he progressed and prospered and it cannot be a ground for cancelling the assignment, after a long gap of time. Earlier, a batch of writ petitions were moved before this Court by several petitioners including the petitioner herein in W.P.No.25259 of 2015 and batch, wherein the grievance of the petitioners therein was that the stay petitions pending before the appellate authority are not being heard and, therefore, batch of writ petitions were disposed of on 12-08-2015 directing the appellate authority to fix an early date of hearing and pass appropriate orders in the stay petitions. The present impugned order appears to have been passed in compliance with the said order.

The facts of the case are already noticed in the batch of writ petitions, referred to above and I am of the view that the discretion exercised by the 6th respondent does not deserved to be interfered with. However, to safeguard the interest of the petitioner, it is appropriate to dispose of the writ petition with the following direction:-

The 6th respondent is directed to fix an early date of hearing of the appeal as soon as the records are received and then hear and dispose of the appeal expeditiously, preferably within two months from the date of receipt of the records. Pending further orders in the appeal as directed above, if the

land in question is resumed from the petitioner, in pursuance of the impugned order in the said appeal, the same shall not be assigned or alienated to any person, pending orders that would be passed in the appeal.

Miscellaneous petitions, if any, pending shall stand closed. No costs.

VILAS V.AFZULPURKAR, J

Date: 16-09-2015

Prv

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