

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.19759 of 2015

ORDER:

Heard.

This writ petition is directed against the proceedings of the 3rd respondent, dated 18-06-2015. The said order was passed under Section 6 of the Land Encroachment Act alleging that neither the petitioner nor the other claimant i.e., K.Nirmala Gupta have any lawful title or entitlement of the land in question and the said land is a Government land. The said order was questioned by the other claimant and filed an appeal before the Revenue Divisional Officer and has approached this Court by filing W.P.No.19228 of 2015 seeking stay of dispossession pending appeal. While hearing the said writ petition on 29-06-2015, it was noted that the appeal is posted for hearing on 04-07-2015 and hence, the said writ petition was disposed of directing the 2nd respondent therein to consider the appeal on its own merits and pass appropriate orders expeditiously. Pending appeal, status-quo existing on 29-06-2015 was directed to be continued.

Since the petitioner is also aggrieved by the very same order, which is subject matter of appeal, it is appropriate for the petitioner to file an appeal before the Revenue Divisional Officer, so that the Revenue Divisional Officer would hear the appeal along with the aforesaid appeal filed by K.Nirmala Gupta.

Learned counsel for the petitioner states that the present impugned order is questioned in this writ petition primarily on the ground that no notice or opportunity is given to the petitioner before passing the impugned order.

The petitioner is at liberty to raise the said contention in the appeal as directed to be filed. The appellate authority shall consider the same along with other contentions and decide both the appeals on merits.

Since there was an order status-quo to be maintained in respect of other claimant in W.P.No.19228 of 2015, in the present case also status-quo existing as on today to be continued pending appeal, provided the petitioner

files an appeal before the Revenue Divisional Officer before 04-07-2015. The petitioner is also at liberty to bring to the notice of the Revenue Divisional Officer that the petitioner's appeal is required to be heard along with the appeal filed by Smt.K.Nirmala Gupta.

Accordingly, the writ petition is disposed of. No costs.

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

VILAS V.AFZULPURKAR, J

Date: 02-07-2015

Note:

Issue C.C. tomorrow

(B/o)

Prv

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Prv