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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.9103/2016

Ashok Dnyanoba Patil.
...Petitioner..

Versus

The State of Maharashtra & others.
...Respondents...

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WRIT PETITION NO.9104/2016

Shrikrishna Madhavrao Patil.
...Petitioner..

Versus

The State of Maharashtra & others.
...Respondents...

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S/Shri P.M. Shah and V.D.Hon, Senior Advocates i/b T.M. Venjane, Advocate for petitioners.
Shri S.Y. Mahajan and Smt.M.A. Deshpande, AGPs for the State.
Shri S.B. Talekar, Advocate for respondent no.1 (1 to 3).
Shri S.P. Urgunde, Advocate for respondent no.5(2).
Shri N.V. Gaware, Advocate h/f Shri G.K. Jakatkar and P.G. Sontakke, Advocates for respondent no.7 (7A to 7H).
S/Shri V.G. Sakolkar and S.V. Chandole, Advocates for respondent no.6A to 6E.
Shri R.S. Pawar, Advocate for respondent nos.8 to 11.

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**CORAM: S.V. GANGAPURWALA &
K.L. WADANE, JJ.**

DATE: 24.08.2016

ORDER :

- 1] Heard learned counsel appearing for the parties.
- 2] The notices issued for distribution of the lands pursuant to the decree of the civil Court and confirmed by this Court are assailed in these petitions.
- 3] We are not inclined to consider the writ petitions on merits as the petitioners have a remedy of appeal.
- 4] The grievance of the petitioners is that though the hearing in the objections raised by the petitioners were concluded one year back, no order has been communicated to the petitioners and for the first time on receipt of the impugned notices on 19.8.2016, the petitioners got the knowledge of the possession being delivered on 26.8.2016. According to the petitioners, they have not also received certified copy of the order though it has been applied on 19.8.2016 and the date mentioned for delivery of the certified copy is 26.8.2016.
- 5] Shri S.B. Talekar, the learned counsel submits that the order has been passed on the objections on 21.7.2016

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and the certified copy of the same has been received. Copy of the same is produced on record.

6] There are rival contentions in this regards. We need not enter into the debate about the said contentions.

7] Considering the difficulty expressed of not having received certified copy of the order, we pass the following order.

ORDER

a] The impugned notices pursuant to which distribution of the properties were to be done, as per the order of the civil Court and confirmed by this Court, shall be deferred upto 01.09.2016 so as to enable the petitioners to file an appeal before the appropriate forum.

b] The Tahsildar shall intimate this fact if the parties appear on 26.8.2016 on the site that the same is deferred upto 01.09.2016 and if no prohibitory orders are received from the authority, then the same shall be executed on 02.09.2016. In that event, no fresh notices would be necessary. Of course, the same is subject to

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any orders being passed by the appellate authority in the appeal that would be filed by the petitioners.

c] The writ petitions are accordingly disposed of.
No costs.

d] Authenticated copy of the order is allowed to the parties.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)