

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1794 OF 2016

Kamalbai W/o Pandurang Surwase .. Petitioner

Versus

Suresh S/o Shankar Kshirsagar (Died),
Through L. Rs.,
Smt. Sunita W/o Suresh Kshirsagar
and others .. Respondents

Shri Prashant K. Deshmukh, Advocate for the Petitioner.

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.
DATE : 17TH MARCH, 2016.**

PER COURT :

1. Mr. Deshmukh, the learned counsel for the petitioner states that, the application filed by the petitioner seeking possession is allowed against which the respondents have filed an appeal before the Deputy Collector (Administration), Osmanabad in the year, 2014. The same is still pending. The Deputy Collector has granted stay to the order of Tahsildar on 09.03.2015 and is not proceeding to hear the appeal. The learned counsel submits that, the said order be vacated.

2. The stay has been granted pending appeal wherein order of

the delivery of possession is passed. It would not be appropriate to vacate the said order of stay. However, the Authority that is Deputy Collector where the appeal is pending shall decide the same expeditiously, in accordance with law, as it is contended that the parties have also filed written notes of arguments. The writ petition is disposed of. No costs.

[A. I. S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]

bsb/March 16