

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2342 OF 2016

Narayan Krishna Sawant.	...	Petitioner.
V/s.		
The Collector of Sindhudurga and others.	...	Respondents.

Rajshekhar V. Govilkar for the petitioner.
V.B.Thadani, AGP for the respondents.

CORAM : A.S. OKA AND C.V.BHADANG, JJ

DATED : 29th February 2016.

PC. :

Heard the learned counsel for the petitioner and the learned AGP for the respondents. The learned counsel for the petitioner pointed out that notwithstanding the order dated 20th March 2015 passed in Writ Petition No.265/2015 filed by the petitioner, the revision application preferred by the petitioner before the State Government has not been disposed of. He urged that on one hand the revision application has not been disposed of and on the other hand, an action of arrest is sought to be taken on the basis of the impugned order dated 14th January 2016 passed by the Tahasildar.

2. The order dated 14th January 2016 is based on the failure of the petitioner to comply with the order passed under sub-section (7) of

section 48 of the Maharashtra Land Revenue Code, 1966. The revision application, which is pending before the State Government arises out of the order passed under sub-section (7) of section 48 of the said Code.

3. The submission of the learned counsel appearing for the petitioner is that the order passed in Writ Petition No.2974/2014 directs the State Government to take action in accordance with law and, therefore, the Officers of the Revenue Department are under obligation to follow the due process of law.

4. We accept the statement of the learned counsel for the petitioner that the revision application is not yet disposed of. The learned AGP has no instructions about the status of the revision application.

5. Accordingly, we dispose of this petition by passing the following order:

O R D E R

(i) We direct the petitioner to appear before the Revisional Authority on 21st March 2016 at 2.30 p.m. The Revisional Authority shall decide the application for stay/interim relief made in the revision application as expeditiously as possible and, in any event, within a period of two weeks from 21st March 2016. The order passed on the application for stay/interim relief shall be forthwith communicated to the petitioner. Till the date of the communication of the said order, the impugned order dated 14th January 2016 (the order of arrest) shall not be implemented;

(ii) If the order passed by the Revisional Authority be adverse to

the petitioner, the order dated 14th January 2016 shall not be implemented for a period of one month from the date of communication of the said order passed on the application for stay/interim relief;

- (iii) All contentions on merit are kept open;
- (iv) The petition is disposed of in the above terms;
- (v) All concerned to act on an authenticated copy of this order.

(C.V. BHADANG, J)

(A.S.OKA, J)