

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7886 OF 2016**

Mr. Subhash Shantaram Chinchkar &
Ors.

...Petitioners

Versus

Additional Commissioner, Pune
Division, Pune. & Ors.

...Respondents

...

Mr. P.G. Kathane for the Petitioners.

Mr. P.G. Sawant, A.G.P for the Respondents-State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : 21st JULY, 2016.

P. C. :

Heard Mr. Kathane, learned counsel appearing for the Petitioners and Mr. Sawant, the learned Additional Govt. Pleader for the Respondent-State.

2. Short grievance raised by the present Petitioner in this petition is that during the pendency of his revision No.95 of 2013 filed before the Additional Commissioner, Pune Division, Pune, auction notice is given by the Tahasildar Miraj. The learned counsel for the Petitioners submits that the Tahasildar, Miraj by his order dated 13th

January, 2006 directed the Petitioner No.1 and other two persons to pay amount of Rs.24,07,500/- by way of fine for extraction of Murum more than permitted limits. This order came to be challenged by the Petitioners by filing Mineral appeal before the Sub-Divisional Officer, Miraj Division, Sangli and second appeal before the Additional Collector, Sangli. However, same came to be dismissed and as stated above the Petitioner's revision is pending before the Additional Commissioner, Pune Division, Pune and during the pendency of his revision application, auction notice was issued to sell the Petitioner's land to recover the fine amount.

3. Mr. Kathane, the learned counsel for the Petitioners submits that the Petitioners have already deposited the amount of Rs.5 lakhs (appx.) to the Tahasildar, Miraj towards the fine imposed under the order dated 13th January, 2006. He further states that the Petitioners are ready and willing to deposit the balance amount of Rs.19,50,778/- (appx.) with Tahasildar, Miraj and this deposit may be made subject to the final outcome of the said revision.

4. Mr. Sawant, the learned Additional Govt. Pleader submits that apart from the proceedings pending before the Revenue Authority, the Petitioners have also filed a civil suit bearing No.293 of 2015 in the

court of Civil Judge, Senior Division, Sangli. Mr. Sawant also states that Petitioners' land will not be sold in auction if the Petitioners deposit the balance amount of fine with Tahasildar, Miraj.

5. In above circumstances, we dispose of this petition by passing following order:

- (i) Within a period of three months from today the Petitioners shall deposit the amount of Rs.19,50,778/- with Tahasildar, Miraj towards the balance of the fine amount imposed on Petitioner No.1 by virtue of order dated 13th January, 2006.
- (ii) This amount deposited by the Petitioners would be subject to final outcome of his revision No.95 of 2013 pending before the Additional Commissioner, Pune Division, Pune.
- (iii) In the event the Petitioner deposits such amount within the above stipulated time, the Respondent No.1 -Authority shall not auction Petitioners' land towards the recovery of fine amount till the disposal of revision application No.95 of 2013 filed by the Petitioner No.1.

(iv) Additional Commissioner, Pune Division, Pune, shall decide the said revision application No.95 of 2013 as expeditiously as possible and preferably within a period of three months from the date of receipt of this order.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)