

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8812 OF 2016

Pravin Namichand Nahar. ..Petitioner.

Versus

State of Maharashtra & Another. ..Respondents.

Mr. Sumit Kothari for the Petitioner.

Mr. P. P. Kakde, AGP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **July 28, 2016.**

P. C. :

1. Not on board. Mentioned. Production was granted and matter was taken on board.
2. Heard learned Counsel appearing for the Petitioner and learned AGP for the State. By the order passed by the Collector, Pune on 21st July 2016 under section 50 of the Maharashtra Land Revenue Code, 1966, Tahsildar, Pune was directed to take possession from the Petitioner of flat No.23, Building No.6, Sharad CHS Ltd, Shivaji Nagar, Pune. This order is challenged by the Petitioner by filing an appeal before the Divisional Commissioner, Pune by taking recourse to section 247 of the MLRC, 1966. the Petitioner has also filed an application for stay to the said order of the Collector.
3. Learned Counsel appearing for the Petitioner submitted that despite filing an appeal along with stay application within the stipulated time, no orders are passed by the

Commissioner till date. He apprehends that in terms of the order of the Collector, Pune, possession of the flat in question would be taken by the Tahsildar.

4. Learned AGP submitted that appropriate directions may be given to the Divisional Commissioner to dispose of the stay application.

5. In above circumstances, we deem it convenient to dispose of this writ petition by directing the Divisional Commissioner to dispose of the stay application filed by the Petitioner in RTS Appeal No.26 of 2016, as expeditiously as possible and at any rate within the period of two weeks from the date of receipt of a copy of this order. Ordered accordingly. During the pendency of the said stay application, the parties shall maintain status quo as of today regarding the flat in question. In the event, Petitioner's application for stay is rejected, the status quo shall remain in force for the further period of one week.

6. It is made clear that this Court has not gone into merits of the matter and the Divisional Commissioner shall decide the matter on its own merits and in accordance with law.

7. All concerned to act on the copy of this order duly authenticated by the Associate or Private Secretary of this Court.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]