

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12430 OF 2016

M/s.Pharande Promoters & Builders .. Petitioner
Vs.
The State of Maharashtra and ors. .. Respondents

Mr.G.S.Godbole a/w Mr.D.S.Patil, for the Petitioner
Ms.Nisha Mehra, AGP for State.

**CORAM : SHANTANU.S.KEMKAR &
M.S.KARNIK, JJ.
DATE : 26th OCTOBER, 2016**

P.C. :

. Parties through their Counsel.

2. The grievance of the petitioner is that against the order passed by Additional Tahsildar, Pimpri Chinchwad in S.R. No. 74 of 2013 Exhibit 'D', the petitioner has filed R.T.S. Appeal No. 939 of 2016 before Sub-Divisional Officer, Haveli under Section 247 of the Maharashtra Land Revenue Code, 1966. However, till date neither the application for stay nor the Appeal has been decided. The prayer has been made by the learned Counsel for the petitioner to dispose of this Petition by directing

2nd respondent – Sub-Divisional Officer, Haveli, Pune to consider and decide the stay application/Appeal as expeditiously as possible. He also made a prayer that till the petitioner's application for stay is considered and decided, the respondents be directed not to take any coercive step for recovery of amount in pursuance of the order passed by the Tahsildar.

3. As regards to the aforesaid submissions and keeping in view the petitioner's application for stay is pending, we dispose of this Petition by directing Sub-Divisional Officer, Haveli, Pune to take appropriate decision on application for stay/Appeal as expeditiously as possible but not later than 3 months from the date of receipt of copy of this order. While disposing of petitioner's stay application and appeal, the petitioner would be at liberty to place on record the judgment dated 03/12/2014 passed by the Supreme Court of India in the case of **Promoters and Builders Association of Pune Vs. The State of Maharashtra and ors. in Civil Appeal No. 10717 of 2014 and other companion Appeals.** Till the application for

stay is decided, no coercive step be taken against the petitioner.

In case any adverse order is passed, the same shall not be given effect for a period of one week thereafter.

4. The Petition stands disposed of.

(M.S.KARNIK, J.)

(SHANTANU.S.KEMKAR, J.)