

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.42961 OF 2015

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

Aggrieved by the order dated 24.01.2015 passed by the 3rd respondent cancelling the petitioner's DKT patta, she filed revision along with stay petition before the 2nd respondent, who granted stay vide proceedings in Roc.No.D4/2524/2015, dated 21.11.2015, pending revision. However, subsequently, on the application of respondents 5 and 6, the said stay was vacated by further orders on 19.12.2015. The said order of vacating the stay is questioned in this writ petition on the ground that the petitioner was not served with any papers of vacate stay petition stated to be filed by respondents 5 and 6 and no enquiry was conducted.

The impugned order itself states that the same was passed after hearing the arguments of both parties and the same was communicated to the advocates appearing for the parties by registered post with acknowledgment due. Therefore, I am not accepting the contention of the learned counsel for petitioner that no papers were served on her and no proper enquiry was conducted. However, there is no doubt the order impugned does not contain any reasons as to why the stay was vacated.

Learned counsel for the petitioner states that the revision is still pending and now posted to 30.01.2016 for hearing before the 2nd respondent.

In view of the facts and circumstances of the case, without interfering with the impugned order, I deem it appropriate to direct the 2nd respondent to hear both parties and decide the revision itself finally on 30.01.2016, on which date it was already posted for hearing. The *status quo* as existing as on today shall be maintained by the parties

pending passing of final orders in the revision before the 2nd respondent.

With the above observation, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

04.01.2016
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DATE: 04.01.2016

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