

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.4931 OF 2016

ORDER:

Against the order of the 3rd respondent in Rc.No.952/2014-A, dated 29-05-2015, the petitioners have preferred an appeal before the 2nd respondent on 10-08-2015 along with stay petition.

The grievance of the petitioners is that though the 2nd respondent has called for the records from the 3rd respondent, no date of hearing is fixed in the appeal and neither the appeal nor the stay petition is taken up for hearing. The petitioners have moved the present writ petition on the apprehension that the order of cancellation of assignment passed by the 3rd respondent, which is subjudice in the appeal, is likely to be executed by the 3rd respondent. The petitioners state that their grand father purchased the land admeasuring Ac.7-08 cents through a registered sale deed, dated 20-04-1963. The petitioners also state that their grand father purchased another land admeasuring Ac.1-47 cents through a registered Sale Deed in the year 1984 and state the said lands are patta lands and not assigned lands.

It is, however, evident that the issue with regard to the validity and correctness of the order of the 3rd respondent is subjudice before the 2nd respondent in the said appeal.

Since the appeal was filed on 10-08-2015, it is appropriate to direct the 2nd respondent to fix an early date of hearing in the said appeal, after notice to the petitioners and decide stay petition atleast, preferably within two weeks from the date of receipt of a copy of this order, since the petitioners claim to be in long possession under the registered documents. The order of the 3rd respondent, which is

impugned in the appeal, shall not be executed till the 2nd respondent passes appropriate orders on the stay petition as directed above and thereafter, it shall be subject to the orders that would be passed by the 2nd respondent.

Accordingly, the writ petition is disposed of. No costs.

Miscellaneous Petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

16.02.2016

Prv

