

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.535 OF 2017

Paresh R. Patil,
age: 45 years, Occ: Business,
R.o Sangamner, Tal. Sangamner,
District Ahmednagar, for himself
and on behalf of Firm by name
Pravin Stone Crusher,
Gandhi Chowk, Kopargaon.

Petitioner

Versus

01 State of Maharashtra,
through the Collector,
Ahmednagar,
District Ahmednagar.

02 Tahasildar, Sangamner,
Tal.Sangamner,
District Ahmednagar.

Respondents

Mr.S.S.Wagh, advocate for the petitioner
Mr.A.P.Baraskar, A.G.P. for Respondents.

CORAM : S.B.SHUKRE, J.

DATE : 30th January, 2017

ORAL JUDGMENT :

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 The appeal preferred to the Sub Divisional Officer is pending. But, it is the grievance of the petitioner that no progress is being made in the appeal and as per the information of the petitioner, appeal itself has not been registered.

3 Learned A.G.P. submits that since the petitioner has already availed of alternate remedy, appropriate directions to the appellate authority could be issued.

4 Learned Counsel for the petitioner, however, submits that if such directions are to be issued, interim protection may also be given to the petitioner.

5 In the circumstances of the case, I find that this petition can be disposed of by issuing directions to the appellate authority – learned Sub Divisional Officer, Sangamner.

6 Writ Petition is accordingly disposed of with following directions:

(i) The Sub Divisional Officer, Sangamner, District Ahmednagar, shall register the appeal forthwith on receipt of this order, without imposing any conditions as valuable machinery of the petitioner has already been seized by the revenue authorities.

(ii) After registration of the appeal, it shall be heard in accordance with law and disposed of within fifteen days from the date of its registration.

(iii) Till final disposal of the appeal, there shall be stay to the effect and operation of the recovery order dated 26.08.2016.

(iv) In case any adverse order is passed while finally

deciding the appeal, interim stay granted by this Court shall continue to operate for a further period of two weeks from the date of the order to enable the petitioner to avail of appropriate remedy.

7 Rule is made absolute in above terms. No costs.

Authenticated copy of this order be furnished to both the sides.

S.B.SHUKRE
JUDGE

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