

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10831 OF 2017
(Shivaji s/o Bajirao Aher Vs. The State of Maharashtra and others)

Mr.I.D.Maniyar, Advocate for the petitioner.
Mr.V.A.Bagadiya, Advocate for respondent No.3.
Mr.S.N.Kendre, AGP for State/respondent Nos. 1 and 2.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 08/09/2017

PER COURT :

1. The petitioner is aggrieved by the order dated 04/07/2017 by which respondent No.2 has rejected the application filed by the petitioner praying for the staying of Case No.ROR/Rev./358/2016.

2. I have considered the submissions of the learned Advocates and the learned AGP for the respective sides.

3. Prima facie, I find that RCS No.317/2015 and Misc.Cri.Appl.No.417/2016 are not in relation to an identical cause of action pending before the Additional Divisional Commissioner, Aurangabad in Case No. ROR/Rev./358/ 2016.

4. It is informed that the proceedings before the Additional

Commissioner are at a final stage. In my view, considering the disputed questions and the proceedings being at a final stage, the Additional Divisional Commissioner has rightly rejected the application filed by the petitioner by the impugned order.

5. Learned Advocate for the petitioner submits that a written say in the proceedings before the Additional Divisional Commissioner has not been filed by the petitioner.

6. Considering the above, the petitioner is granted leave to file the written say on or before 12/09/2017 and respondent No.2 Additional Divisional Commissioner shall thereafter consider the contentions of the petitioner and decide the proceedings expeditiously keeping in view the earlier direction of this Court in WP No.1156/2017 by order dated 30/01/2017.

7. It is made clear that the petitioner shall not seek extension of time and shall not delay the proceedings, in the event of which, respondent No.2 would proceed to decide the said proceedings without the assistance of the petitioner. Learned AGP shall communicate this order to respondent No.1.

8. This writ petition is disposed off in the above terms.

(Ravindra V.Ghuge, J.)