

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St. NO. 7947 OF 2017**

Shri Vitthal Shridhar Chavan

..Petitioner

Vs.

Shankar Sitaram Bhalekar & Ors

..Respondents

Mr. S. M. Suryawanshi i/b Mr. S. A. Sawant for the Petitioner

Mr. S. D. Rayrikar AGP for the Respondent Nos.3 to 6

CORAM : R. M. SAVANT, J.

DATE : 24th MARCH, 2017

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 14-3-2017 passed by the Additional Commissioner Pune Division Pune, by which order the stay application filed by the Petitioner came to be rejected. The Appeal filed before the Additional Commissioner is against the order dated 23-1-2017 passed by the Additional Collector, Pune restoring the land in question to the Respondent No.1 by exercising powers under Section 36A of the Maharashtra Land Revenue Code and the provisions of the Maharashtra Restoration of Lands to the Scheduled Tribes Act 1971. The Petitioners are in possession of the land in question since the year 1991 as they have purchased the land in question by a registered document. Since the Petitioner's Appeal is pending before the Additional Commissioner, it would be just and proper to grant stay to the order impugned in the Appeal as otherwise the Appeal filed by the Petitioner would turned infructuous, and direct the Additional

Commissioner to dispose of the Appeal within a particular time frame. The Learned AGP Mr. Rayrikar states that the Appeal would be heard and disposed of within 3 months from date. Hence the following directions are issued:

- (i) The impugned order dated 14-3-2017 is set aside. The application for stay would stand allowed. The said stay would operate pending the Appeal.
- (ii) The Appellate Authority is directed to hear and decide the Appeal latest by 30-6-2017. The Appeal to be decided on its own merits and in accordance with law and the contentions of the parties are kept open for being urged before the Appellate Authority.
- (iii) The parties to appear before the Appellate Authority on 3-4-2017. The Appellate Authority may thereafter fix the schedule as per its convenience but would dispose of the said Appeal within the outer limit fixed by the instant order.

2 With the aforesaid directions the Writ Petition is disposed of.

[R.M.SAVANT, J]