

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

WRIT PETITION NO.6758 OF 2016

Shri Manohar Bhikaji Gaikwad & Ors.	...Petitioners
vs.	
The Divisional Commissioner, Pune Division & Ors.	...Respondents

Mr. Sudhir V. Sadavarte for the Petitioners.
Ms. Aparna Vatkari, AGP for the State.

**CORAM : A.S.OKA AND
ANUJA PRABHUDESSAI, JJ.
DATE : 7th FEBRUARY 2017.**

P.C.:

1. The Petitioners have filed a suit in the Civil Court for seeking a declaration that Sale Deed dated 11th December 2008 is illegal. The said suit is still pending.

2. By making an application to the Collector on 26th July 2011 the Petitioners called upon the Collector to go into the legality and validity of the order passed by him on 17th November 2008.

3. If the Petitioners succeed in the civil suit, the Sale Deed executed on the basis of the permission granted by the Collector will be declared as null and void. In view of the pendency of the suit, it is not necessary for the Collector to hold any inquiry. We, accordingly decline to grant any relief as prayed in this Petition under 226 of the Constitution of India.

4. The Writ Petition is disposed of.

5. All the contentions of the parties on merits are kept open.

(ANUJA PRABHUDESSAI, J)

(A.S.OKA, J.)