

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

WRIT PETITION NO. 6450 OF 2017

Shri Dharamraj Kashiram Pardhi & Ors. ..Vs.. Kachru Sakharam
Pardhi & Ors.

Office Notes, Office Memorandum of appearances, Court's orders or directions & Registrar's orders.	Court's or Judge's orders
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Mr. P. B. Shah I/by. K. P. Shah for Petitioners.
Mrs. Kirti Kulkarni, AGP for Respondent
Nos.6 to 8.

CORAM : K. K. TATED, J.
DATE : JULY 01, 2017.

P.C. :

- . Heard learned counsel for parties.
2. By this petition under Article 226 and 227 of the Constitution of India, Petitioners are challenging the order dated 23rd February 2017 passed by the learned Additional Commissioner, Nashik Division, Nashik in RTS/Appeal/42/13.
3. The learned Counsel for Petitioners submit that they preferred Revision Application under sections 247 and 257 of the Maharashtra Land Revenue Code, 1966 before the Hon'ble Revenue Minister, Mantralaya, State of Maharashtra, Mumbai on 21st March

2017. He submit that they also preferred Application for stay in that Revision Application. He submit that the Petitioners requested the Authority to hear their application for stay immediately because of urgency, but nothing is happened till today. Hence the Petitioner preferred the present Writ Petition.

4. The learned Counsel for Petitioners submit that during the pendency of Appeal No. 42 of 2013 before the Divisional Commissioner, Nashik Division, Nashik, the interim relief was granted in favour of the Petitioners directing both the parties to maintain status quo. That order is dated 24th February, 2014. He submit that, that order was in force till the final decision given by the Divisional Commissioner Nashik Division Nashik.

5. The learned Counsel for Petitioners submit that at least Respondent No.8/State of Maharashtra may be directed to decide their Revision and/or stay application immediately and till that time the interim protection granted by the Divisional Commissioner Nashik to continue.

6. The learned AGP Ms. Kulkarni submit that she received instructions that it is

not possible for them to decide the Revision Application immediately, because the Assembly Session is in July – 2017. She submit that she received instructions from the Authority that they will decide the Revision Application as early as possible, as soon as the Assembly Session is over. Statement is accepted.

7. Considering the submissions made by the learned Counsel for Petitioners and the learned AGP on behalf of Respondent No.8, following order is passed.

ORDER

(A) Respondent No.8 is directed to decide the Revision Application filed by the Petitioners under section 247 and 257 of the Maharashtra Land Revenue Code, 1966, as early as possible, in any case on or before 31st December, 2017.

(B) Order dated 24th February, 2014 passed by the Divisional Commissioner Nashik Division, Nashik in Appeal No. 42 of 2013 to continue, till the decision of Revision Application.

(C) If order goes against the Petitioners, in that case interim protection granted by

Divisional Commissioner Nashik to continue for four weeks from service of order on Petitioners.

(D) Writ Petition stand disposed of accordingly.

(K.K.TATED, J.)