

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1956 OF 2016
(Damodhar s/o Dadarao Bokade and others Vs. Ram Narsu Gore)
WITH
CIVIL APPLICATION NO.12254 OF 2017

Mr.S.Y.Patil, Advocate for the petitioners.
Mr.T.M.Venjane, Advocate for respondent No.1.
Mr.P.R.Patil, Advocate for the intervenor.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 25/06/2018

PER COURT :

1. I have heard the learned Advocates for the respective sides. For the reasons stated in the civil application, the application is allowed in terms of prayer clause "A". Addition of these applicants as respondents in the writ petition, would be carried out forthwith.

2. Ram Narsu Gore has preferred a proceeding under the Hyderabad Atiyat Enquiries Act, 1952 before the Deputy Collector, Atiyat, Ex-officio S.D.O. under the M.L.R. Code. By the impugned order dated 30/09/2015, the Deputy Collector, Atiyat has decided the said proceedings. The petitioners herein have approached the Collector, Revenue by filing a revision under the same Act. By a brief impugned order dated 23/12/2015, the Collector, Latur has disposed

of the proceedings contending that the said proceedings will have to be filed u/s 8 of the 1952 Act before the Collector under the Hyderabad Atiyat Enquiries Act.

3. Considering the above, learned Advocate for the petitioners is prepared to file the said proceedings before the Collector, Atiyat Enquiries, Latur on or before 07/07/2018.

4. In view of the above, this petition is disposed of by recording the statement of the petitioners and with the following directions :-

[a] The petitioners would prefer a proceeding u/s 8 before the Collector, Atiyat Enquiries, Latur on or before 07/07/2018, failing which, the ad-interim protection granted by this Court would stand vacated on 08/07/2018.

[b] If the proceedings are filed within the time prescribed, the protection granted by this Court by recording the statement of the respondents would continue only till 13/07/2018 and would lose its efficacy after 13/07/2018.

[c] The respondents herein including the added respondents are at liberty to suo-motu appear before the Collector, Atiyat on or before 07/07/2018.

[d] The prayer of these petitioners for interim relief would be considered by the said authority after hearing all the sides and an order would be passed on or before 13/07/2018.

[e] Thereafter, the litigating sides would participate in the

said proceedings and the concerned authority would decide the said proceedings on its own merits by considering all the contentions of the litigating sides, expeditiously and in any case on or before 31/12/2018.

(Ravindra V.Ghuge, J.)