

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY**

BENCH AT AURANGABAD.

**WRIT PETITION NO.2516 OF 2017
WITH
CIVIL APPLICATION NO.4528 OF 2017**

Vijayprakash Shriniwas
Totla and others. ... Petitioners.

Versus

The State of Maharashtra
and others. ... Respondents.

...
Mr.Satyajit S.Bora, advocate for the petitioners.
Mr.P.S.Patil, Additional Government Pleader for
the State.
Mr.A.S.Bajaj, advocate for applicant
...

**CORAM : S.V.GANGAPURWALA AND
A.M. DHAVAL, JJ.**

Date : 12.03.2018.

PER COURT :

1. Mr.Bora, learned counsel submits that petitioner has moved before the Rent Controller for eviction. The application filed by the petitioner for eviction was dismissed. The appeal before the District Court was also dismissed. This Court allowed Civil Revision

Application and granted decree of eviction of shop No.12, situated at Laxmi Tower, Parali Vaijnath, District Beed, however, execution is not being proceeded further by the Respondent authorities.

2. Mr.Bajaj, learned counsel submits that the application has filed objection with the Respondents. The petitioner does not have right to execute the decree against the said tenants and the applicants have right,title and interest over the said shop.

3. Learned A.G.P. submits that there is some discrepancy in the execution with regard to identification of the property.

4. It is for the executing authority to pass orders in execution proceedings, one way or the other depending upon the facts of the particular case and the law. The authority is not expected to keep the matter pending for years together.

5. The Respondent-authority shall consider the execution petition filed by the petitioner, the objection filed by the interested party and shall take steps to decide the execution proceedings on its own merits in accordance with law expeditiously. The same shall be decided preferably within six (6) months.

6. The Writ Petition is accordingly disposed of. No costs.

7. In view of disposal of Writ Petition, the Civil Application also stands disposed of.

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

