

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9790 OF 2018

EKNATH NARAYAN KATKAR AND OTHERS
VERSUS
THE SUB DIVISIONAL OFFICER BEED AND OTHERS

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Advocate for Petitioners : Shri Anjanwatikar Vinay B
AGP for Respondents 1 & 2 : Shri Patil K.S.
Advocate for Respondents 3 to 6 : Shri Bobade Yogesh K.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 31, 2018

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PER COURT :-

1 On 31.8.2018, this Court had passed the following order:-

“ 1. I have heard the learned Advocate for the petitioners and the learned AGP.

2. I have perused the impugned order dated 30/07/2018 with their assistance, which is an interlocutory order vacating the ad interim protection already granted on 26/07/2018, only because a caveat was filed.

3. Issue notice to the respondents returnable on 05/10/2018. The learned AGP waives service for respondent Nos. 1 and 2.

4. Until further orders, the order of the Naib Tahsildar, Georai, dated 07/07/2018 shall stand stayed.

5. Copies of the petition paper book for issuance of notices shall be supplied on or before 10/09/2018, failing which, the ad interim protection granted today shall stand vacated on 11/09/2018.

6. Notwithstanding the above, the S.D.O. is at liberty to decide case No.2018/ROR/61 preferred by these petitioners expeditiously.”

2 Learned Advocate appearing on behalf of respondents 3 to 6 strenuously opposes this petition and submits that the proceedings are pending before the Sub Divisional Officer and the Sub Divisional Officer can be directed to expedite the said proceedings after hearing all the litigating sides. He has opposed the continuation of the ad-interim protection and submits that the order passed by the Naib Tahsildar Georai, dated 7.7.2018, impugned before the Sub Divisional Officer, needs to be implemented.

3 I find that if the order of the Naib Tahsildar is implemented, the petitioners proceedings before the Sub Divisional Officer would be rendered infructuous. The issue involved is with regard to a road and further complications might occur.

4 In view of the above, this petition is disposed off by continuing the ad-interim protection granted by this Court on 31.8.2018. The

litigating sides shall appear before the Sub Divisional Officer, Beed or before such authority who is given the charge of Sub Divisional Officer, on 14.11.2018 at 11.00 am. The Sub Divisional Officer would proceed to hear the litigating sides on the ROR/61 Revision and shall decide the said revision finally with a reasoned order on/or before 31.12.2018.

5 Needless to state, the Sub Divisional Officer shall decide the proceedings on its own merits without being influenced by the protection granted by this Court.

(RAVINDRA V. GHUGE, J.)

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