

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

WRIT PETITION NO.5942 OF 2016

Madhukar Shankarlal Jajal ..Petitioner.
vs.
The Collector,Kolhapur & Ors. ..Respondents

Mr. Uday Nighot, for the Petitioner.
Mrs.Pushpalata Diwan, A.G.P. for Respondents.

**CORAM : K. K. TATED, &
B.P.COLABAWALLA, JJ.**

DATE : 12TH JULY, 2018

P.C. :

- 1 Heard the learned counsel for the parties.
- 2 By this petition, under Article 226 of the Constitution of India, petitioner is seeking direction to release their 27 Acres land from Survey No.17/6 situated at Kagal, Taluka Kagal, District Kolhapur from acquisition proceeding and set aside the mutation entry no.6404.
- 3 Petitioner also seeks declaration that action taken by

Respondent no.2 to show the name of Respondent No.3 as owner of the suit land to the extent of 27 Acres out of Survey No.17/6 is illegal.

4 During the course of the argument, the learned counsel for the petitioner, submits that they have already made application dated 08.03.2016 to the Respondent No.2 for taking appropriate steps to transfer the said land in their name by deleting from acquisition proceeding. He submits that the said application is pending for hearing on its own merits before Respondent No.2. He submits that he received instruction from his client that if Respondent No.2 is directed to decide their application dated 08.03.2016 as early as possible, they do not want to press the remaining prayers.

5 Considering the submissions made by the learned counsel for the petitioner and as application filed by the petitioner on 08.03.2016 (Exhibit 'J') on page 34 of the petition is pending before Respondent No.2 for hearing and final disposal, we are of the opinion that petition can be disposed of without going into the merits of the matter, directing Respondents to decide the petitioner's application as early as possible. Hence, following order is passed :

a) Respondent No.2 is directed to decide petitioner's application dated 08.03.2016 (Exhibit'J') on page 34 to the petition as early as

possible but in any case within four months from the receipt of copy of this order.

Parties to act on authenticated copy of the order.

(B.P.COLABAWALLA, J.)

(K. K. TATED, J.)