

mujahed

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4528 OF 2015

Shri Ramchandra Anant Acharya ...Petitioner

V/s.

Shri Madhukar Anant Acharya & Ors ...Respondents

Mr. Vivek Salunke i/b. Mr. Omkar Nagwekar for the Petitioner.
Mr. C.C. Gavnekar a/w. Ashutosh Gavnekar for Respondent Nos. 1,
2A to 2E, 3A & 3B.
Mr. J.A. Madane, AGP for Respondent Nos. 4 & 5.

CORAM : R.D. DHANUKA, J.
DATE : 31ST JANUARY, 2018.

P.C. :-

1. By consent of parties following order is passed:
 - (a) Impugned order dated 16th February, 2015 passed by the learned Sub-Divisional Officer, Roha annexed at Exhibit-A is set aside.
 - (b) The learned Sub-Divisional Officer shall decide the issue of delay raised by the petitioner in RTS Review/Appeal No. 42 of 2013 after hearing both the parties and pass an order on the said issue of delay. If Sub-Divisional Officer is of the view that the delay is not sufficiently explained, the RTS Review/Appeal No. 42 of 2013 is not required to be entertained on merits. If however he comes to the conclusion that the delay is sufficiently explained, the said RTS

Review/Appeal No. 42 of 2013 shall be decided on its own merits without being influenced by the observations made in the order dated 16th February, 2015 and conclusions drawn therein after hearing both the parties and in accordance with law.

(c) In so far as the interim relief granted by the Sub-Divisional Officer on 23rd September, 2011 passed by the Sub-Divisional Officer, Mangaon which is subject matter of this writ petition is concerned, the said ad-interim order to continue till the issue of delay as well as revision application/appeal is decided by him. The Sub-Divisional Officer shall decide the issue of delay and depending upon the outcome of said issue, the review/appeal within eight weeks from the date of communication of this order.

(d) The parties are directed to remain present before the Sub-Divisional Officer on 12th February, 2018 at 03.00 p.m. The parties as well as the Sub-Divisional Officer to act on the authenticated copy of this order. None of the parties shall apply for any unnecessary adjournment before the Sub-Divisional Officer. The writ petition is disposed of in the aforesaid terms. Both the parties are allowed to file other pleadings/affidavits before the Sub-Divisional Officer with a copy to other-side.

(R.D. DHANUKA, J.)