

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

WRIT PETITION NO.725 OF 2018

Vilas Dewu Gavkar And Others	...	Petitioners
Versus		
The Tahsildar And Others	...	Respondents

**ALONGWITH
WRIT PETITION NO.9278 OF 2017**

Shri Narayan R. Juvatkar ... Petitioner
Versus
The State of Maharashtra
through its Secretary,
Department of Revenue & Forest
And Others ... Respondents

Mr. S.A. Sawant a/w Mr. A.P. Deshpande for the Petitioner in Writ Petition No.9278 of 2017.
Mrs. Reena A. Salunkhe, AGP for Respondent Nos.1, 3 to 5.
Ms. Sharmila U. Deshmukh for Respondent No.2.
Mr. S.S. Punde for Respondent Nos.6 to 8 in Writ Petition No.9278 of 2017. and the Petitioners in Writ Petition No.725 of 2018.

**CORAM : SHANTANU KEMKAR &
SARANG V. KOTWAL, JJ.**

DATE : 6 SEPTEMBER 2018

P.C. :

. Parties through their Counsel.

2 The Petitioners of Writ Petition No.725 of 2018 have challenged the
order dated 20 December 2016 as also the order dated 23 December 2016

passed by the Sub Divisional Officer, Kankavali, District Sindhudurg.

3 In earlier round of litigation, this court vide its order dated 17 November 2016 passed in Writ Petition No.3122 of 2016 along with Civil Application No.1018 of 2016, directed the Collector, Sindhudurg to take appropriate decision after going through the relevant record, representation filed by the Petitioners of the said petition. The Petitioners were directed to file fresh comprehensive representation in respect of the subject matter of the petition. This court further observed that the Collector shall hear the parties. It was expected from the Collector that he will pass a reasoned order within four weeks from the date of receipt of the order.

4 Thereafter, surprisingly, the Collector delegated the matter to the Sub Divisional Officer for deciding the controversy. This act in our considered view is clearly in contravention of the order passed by this Court. We would have taken a serious view of the matter, but since the learned Assistant Government Pleader submits that now the Collector himself will decide the matter as directed by this court vide its order dated 17 November 2016 in Writ Petition No.3122 of 2016, we are refraining ourselves from doing so.

5 Accordingly, we direct the Collector, Sindhudurg to decide the matter himself as already directed by this court vide its order dated 17 November 2016 in Writ Petition No.3122 of 2016 within two months and communicate the order as may be passed to the parties.

6 The parties to appear before the Collector, Sindhudurg on 24 September 2018 at 11.00 a.m.

7 Till the matter is heard and decided by the Collector, Sindhudurg, *status quo* as it was ordered by the earlier order in Writ Petition No.3122 of 2016 shall be maintained by the parties.

8 With aforesaid directions, both the writ petitions are disposed of.

9 All rights and contentions of the parties are kept open.

[SARANG V. KOTWAL, J.]

[SHANTANU KEMKAR, J.]

Rajesh
Vasant
Chittewan

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by Rajesh
Vasant
Chittewan
Date:
2018.09.11
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