

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO. 32693 OF 2018

Puj Dharamwadi Panchayat ... Petitioner
Versus
Sub Divisional Officer-cum-Managing
Officer and anr. ... Respondents

Mr. Jaiwant Chandani for the Petitioner.
Mr.B.V. Samant, AGP for the respondent State.
Adv Veena Gyanchandani for the intervener.

**CORAM : B.P. DHARMADHIKAKRI &
SARANG V. KOTWAL, JJ.
DATE : DECEMBER 20, 2018**

P.C.:

Heard learned counsel for the petitioner and AGP for the respondents. Learned AGP upon instructions states that the respondent no.1 is ready and willing to hear the petitioner on 20/01/2019 and then pass fresh orders thereafter as per law.

2. Counsel for the petitioner has no objection. However, he adds that the action has been taken in the repealed enactment and law also gives period of one month to move the authority to file appeal. He therefore, seeks reasonable time if order of respondent no.1 is found to be adverse. He adds that the petitioner before this court is a public trust. He also prays for removal of board which mentions

the State Government as owner affixed after 25/10/2018.

3. In this situation SDO to pass order after hearing the petitioner. We find the reply and material placed on record by the petitioner within stipulated period, should have been looked into by the SDO and board mentioning the State Government as owner could not have been affixed. We therefore, direct respondent no.1 to remove that board immediately.

4. We direct the petitioner to appear before respondent no. 1 at 11.00 am on 02/01/2019. Respondent no.1 shall proceed to hear representative of petitioner on that date and pass suitable orders as per law within next eight weeks.

5. If the order is adverse, the same shall not be given effect to for the period of two weeks.

6. Advocate Gyanchandani has sought adjournment to enable the applicant to point out that he happens to be original owner and petitioner is unauthorized occupant. This dispute cannot be looked into in the present petition and we keep it open.

7. Accordingly with directions recorded (supra), we partly allow the writ petition and dispose it of. Pending Civil Applications, if any also stand disposed of.

(SARANG V. KOTWAL, J.)

(B.P. DHARMADHIKARI, J.)