

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY,
BENCH AT AURANGABAD**

38 WRIT PETITION NO.1906 OF 2019

Machindra Pandurang Shelke and others ...Petitioners

VERSUS

The Additional Divisional Commissioner,
Aurangabad and others ...Respondents

Mr.N.D. Sonawane, Advocate for petitioners
Mr. G.O. Wattamwar, Asstt.Govt.Pleader for respondents No.1to 4
Mr. D.R. Shelke, Advocate for respondents No. 5 to 13

CORAM : SUNIL P. DESHMUKH, J.

DATE : 11th February, 2019

ORDER:

1. The petition arises out of very peculiar situation. It appears that the proceedings under Maharashtra Land Revenue Code are pending before the collector against order passed by the sub-divisional officer, Vaijapur, taken up at the instance of present petitioners. In the same, interim relief application staying operation of the order passed by the sub-divisional officer had been filed. The matter had been before the additional collector, Aurangabad, on 23rd August 2018. Since apprehension had been expressed about order passed by the sub-divisional officer being

put in operation, on the very day *ad-interim* order came to be passed staying operation of the order passed by the sub-divisional officer. It appears that this order was taken in revision before the additional commissioner, Aurangabad and under order dated 15th January, 2019 the additional commissioner has set aside the stay order dated 23rd August 2018 directing to decide within two months the appeal and/or if another application for stay is filed by petitioners.

2. The petition has been moved showing urgency as *ad-interim* order had been vacated under aforesaid order, the same would cause damage to the case in appeal and cause prejudice to petitioners.

3. Learned counsel for respondents graciously states that there is no imminent threat, since as yet, execution of order of the sub-divisional officer is not sought.

4. In the circumstances, having regard to statement so coming forth, on instructions at the instance of respondents, it is expedient that the appeal of petitioners is proceeded with in right earnest and same be decided as early as possible, preferably within a period of one month from the date of receipt of this order.

5. In order to avoid any anxiety to the parties, it would be expedient that the order dated 23rd August 2018 passed by the additional collector, Aurangabad, staying operation of order passed by the sub-divisional officer to continue for a period of one month from the date of receipt of this order.

6. In view of aforesaid, writ petition is disposed of accordingly.

**(SUNIL P. DESHMUKH)
JUDGE.**

Madkar