

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13535 OF 2018
(Masjid Pattedaran, Aundha Nagnath, Vs. The Collector, Parbhani
and others)

Mr.M.V.Ghatge, Advocate for the petitioner.
Mr.N.T.Bhagat, AGP for respondent Nos.1 to 4.
Mr.S.S.Gangakhedkar, Advocate for respondent No.6.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 18/04/2019

PER COURT :

1. On 22/01/2019, I had passed the following order :-

“1. Learned Advocates for the petitioners and respondent No.6 agree that the succession proceedings which are pending before the competent authority need to be adjudicated upon and a decision in the said proceedings would have a direct impact on the cause of action set out in this petition.

2. The succession certificate proceedings have been decided. Claims of the petitioner and respondent No.6 have been rejected. Now appeals are pending before respondent No.2, who is the Additional Collector, Hingoli. The litigating sides shall appear before the said Authority on 08/02/2019 at 11.00 a.m. and the concerned authority would proceed with the said proceedings. The said authority shall ensure that the said appeal proceedings are concluded on or before 31/06/2019.

3. *Needless to state, this petition shall be posted once in 3 months before this Court only to assess the progress in the succession certificate proceedings.*

4. *As such, stand over to 15/04/2019. The litigating sides shall maintain status-quo with regard to the properties at issue referred to in the impugned order dated 27/08/2018.*

5. *The learned AGP would convey to respondent No.2 that he should proceed with the succession certificate appeal proceeding expeditiously.”*

2. Learned Advocate for the petitioner submits that the proceedings with regard to the succession certificate have culminated into an order dated 07/03/2019. The petitioner is aggrieved by the said order and would be availing of the appeal remedy before the Collector, Atiyat. The petitioner would also be filing an application for interim protection before the said authority. This petition may, therefore, be disposed off by continuing the ad-interim arrangement ordered by this Court for a period of 4 weeks.

3. Learned Advocate for respondent No.6 has opposed the said request and submits that this petition can be simplicitor disposed off.

4. Considering the above, this petition is disposed off keeping all contentions of the parties open for the Collector, Atiyat to consider.

Since *status-quo* was directed with reference to the properties at issue on 22/01/2019, I find it appropriate to continue the said *status-quo* for a further period of 4 weeks, since it would not cause grave prejudice to the respondents.

(Ravindra V.Ghuge, J.)