

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

WRIT PETITION NO. 10164 OF 2018

Municipal Council Pachora
Through its Chief Officer

..PETITIONER

VERSUS

Abdul Rashid Abdul Hamid Deshmukh

..RESPONDENT

....

Mr. S.S. Patunkar, Advocate for petitioner
Mr. V.D. Salunke, Advocate for respondent

....

**CORAM : R.G. AVACHAT, J.
DATED : 26th AUGUST, 2019**

PER COURT :

Heard.

2. Petitioner herein is the Municipal Council, Pachora. The challenge in this petition is to order dated 13th April, 2017 passed by Maharashtra Revenue Tribunal, Aurangabad (hereinafter referred to as 'MRT') in Appeal No. 20/A/2017. The said order reads thus :-

“It is seen that the suit land in the name of the applicant. Prima facie the municipal council does not have any right over the land.

Still some construction is started some was.

I feel that if the order of SDO is not stayed an irreparable loss may be caused to the appellant.

Hence a status quo be maintained till further order.”

3. The aforesaid order has been passed in the appeal pending before MRT. If the present petition is heard on its own merits, there is every possibility of observation being made about the merits of appeal pending before MRT. To avoid the same, it was proposed by this Court itself that MRT could be directed to decide the appeal within six months from the date of receipt of this order. Parties to this petition came around to accept the proposal.

4. It was also mentioned that an independent proceeding for contempt of court is pending before MRT. Presence of Chief Officer of Municipal Council, Pachora is insisted by other side. Although the said issue is not the subject matter of this petition, it is hoped that respondent herein would not insist for the presence of Chief Officer of Municipal Council, Pachora in contempt proceeding. Parties would assist the MRT to decide the appeal within six months as stated above.

5. In view of above, writ petition stands disposed of with a direction to MRT to decide the appeal (20/A/2017) within six months from the date of receipt of this order

(R.G. AVACHAT, J.)

SSD