

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (St) No.7 of 2019

Kiran Dilip Kelkar & orsPetitioners
vs
State of Maharashtra & ors .. Respondents

Mr.Sachin Tigde for Petitioners
Mr.C.D.Patil Asst.Govt,.Pleader for Respondent nos.1 & 2

CORAM: SMT.ANUJA PRABHUDESSAI, J
DATED: 4TH JANUARY, 2019

P.C

1. The petitioner herein has challenged the validity of order dated 21.12.2018 passed by the respondent no.2-SDO, Ratnagiri in Tenancy Appeal bearing No.2100 of 2018 and stay Application.

2. By the impugned order dated 21.12.2018 the respondent no.2 has listed the Appeal on 1.1.2019 for admission. Learned counsel for the petitioner contends that there is an urgency in the matter and the respondent no.2 ought to have admitted the appeal immediately and considered his stay Application. He submits that the respondent no.2 has failed to admit the appeal and grant him ad-

interim relief and hence, he is compelled to invoke the writ jurisdiction of this Court.

3. It may be mentioned that the respondent no. 2 has not rejected the application for stay but had merely fixed the appeal for admission on 1.1.2019. It is stated that the matter is now listed on 15.1.2019. I am not inclined to exercise writ jurisdiction in view of the pendency of the appeal and the stay application before the appellate authority.

4. Hence, the petition is dismissed. The appellate authority is directed to consider the application for stay/application for ad-interim relief, as expeditiously as possible and in any event, on or before 15.1.2019 i.e. the next date of hearing.

(SMT.ANUJA PRABHUDESSAI, J)