

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11857 OF 2018

Sanjay Baburao Patil ... Petitioner
Vs.
Lata Anandrao Salokhe and Ors. ... Respondents

Mr. Prashant Bhavake for petitioner.
Mr. Swaroop M. Karade for respondent Nos.1 to 4.
Mr. A.P. Vanarase, AGP for State.

CORAM : M. S. KARNIK, J.
DATE : 5th DECEMBER, 2019.

P. C.:

1. Leave to amend.
2. Amendment to be carried out forthwith.
3. This petition filed under Articles 226 and 227 of the Constitution of India challenges an order dated 14.03.2008 passed by the Additional Commissioner, Pune Division, Pune rejecting the application for stay to the order passed by the Additional Collector. The impugned order states that since the mutation is based on a Registered Sale Deed the application for stay is rejected.

4. Learned counsel for the respondents opposed the petition and says that mutation entry is based on the Registered Sale Deed. The petitioner has already filed the Civil Suit challenging the Registered Sale Deed and therefore the present petition need not be entertained as all mutation entries will obviously be subject to final order passed in the Civil Suit.

5. There is some substance in the submission of learned counsel for the respondents. This Court on 02.04.2018 while issuing notice to the respondents granted ad-interim relief in terms of prayer clause (c). This ad-interim relief is continued since then.

6. In this view of the matter, the present petition can be disposed of by directing the Additional Commissioner, Pune to decide the Revision as expeditiously as possible and preferably within a period of three months from today. The parties to appear before the Additional Commissioner on 18.12.2019 at 11.00 a.m. Thereafter, the Additional Commissioner may fix the further schedule of the hearing. Till the decision of the Revision the ad-interim relief granted by this Court on 02.04.2018 to continue.

7. The petition is disposed of.

8. It is made clear that I have not expressed any opinion on merits of the matter and the Additional Commissioner is free to decide the Revision on its own merits without being influenced by any observations made in this order.

(M. S. KARNIK, J.)