

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

WRIT PETITION NO. 232 OF 2019

Sharad Yashwant Kokane

.....Petitioner

Versus

Sub-Divisional Officer, Haveli,
Sub-Division, Pune and Ors.

.....Respondents

Mr. Prasad Dani, Senior Counsel a/w. Mr. S.M. Sabrad i/b.

Neha Parte for the petitioner.

Mr. C.D. Mali, AGP for respondent nos.1 and 2.

Mr. Nitin Deshpande for respondent no.3.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 09th JANUARY, 2019.

P.C. :

. With consent of the parties, matter is heard finally at the stage of admission.

2. The petitioner herein has challenged the impugned order dated 27/12/2018 whereby the learned Sub-Divisional Officer, Haveli Sub-Division, Dist. Pune has rejected the request for stay of the impugned order dated 29/10/2018.

3. A perusal of the impugned order indicates that the learned Sub-Divisional Officer has rejected the stay application without assigning any reasons for rejecting the application. There is nothing to indicate that the learned Sub Divisional Officer had applied his mind while rejecting the application. The order under challenge is an unreasoned order and the same cannot be sustained. Under the circumstances, the petition is allowed. The impugned order dated 27/12/2018 is quashed and set aside. The Sub-Divisional Officer, Haveli Sub-Division, Pune is directed to dispose of the stay application, after hearing the respective parties, on its own merits and in accordance with law. It is made clear that this Court has not gone into the merits of the matter. All points and contentions are kept open. The learned Sub-Divisional Officer to endeavour to hear and dispose of the stay application within one month from the date of receipt of this order.

4. At this stage, the learned counsel for the respondent no.3 submits that the order dated 29/10/2018 has been given effect on 04/01/2019. Suffice it to say that the entry made in pursuance of the impugned order dated 27/12/2018, will be subject to the final outcome of the stay

application.

5. Writ Petition stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)