

Amk

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

WRIT PETITION NO. 10593 OF 2018

Shri Ramdas Chimaji Dherange .. Petitioner
Vs.
The State of Maharashtra & Ors. .. Respondents

Mr. Uday B. Nighot for the Petitioner.
Mr. Y. D. Patil, AGP for Respondent Nos.1 & 2.
Mr. Tushar Jadhav for Respondent Nos.3 to 8 absent.

CORAM : V. L. ACHLIYA, J.
DATE : 20th FEBRUARY, 2019.

P. C. :

1. Being aggrieved by an order dated 27.07.2018 passed by the Additional Collector, Pune in RTS/2/Appeal/565/2018 thereby rejecting the application for stay filed by Petitioner, the Petitioner has preferred this Petition under Article 227 of the Constitution of India.
2. Heard the learned Counsel for the Petitioner and learned AGP representing the Respondent Nos.1 and 2.
3. On due consideration of the submissions advanced, I am of the view, the impugned order being interim order, no interference is called for in exercise of writ jurisdiction under Article 227 of the Constitution of India. The order passed cannot be termed as illegal, perverse or refusal to exercise the jurisdiction vested with the said Authority. The learned Additional Collector has observed that pursuant to the decree passed in Suit for specific performance, the sale deed was executed at the instance

of Court Commissioner. The mutation entry, which is subject matter, has been recorded on the basis of sale deed registered pursuant to the decree passed in favour of Respondents. In that view, the order passed cannot said to be perverse or illegal. I am, therefore, not inclined to entertain the Petition.

4. Since the Appeal filed by the Petitioner is pending for consideration of Additional Collector, Pune, it is desirable on his part to decide the Appeal as expeditiously as possible on its own merits. Accordingly, the learned Additional Collector, Pune is directed to decide the pending Appeal within six weeks from date of this order.

5. It is clarified that this Court has not examined the merit of the case of the Petitioner as well as Respondents. It is needless to observe that the Respondent No.1 shall decide the Appeal on its own merits and that too without influenced by its earlier order dated 27.07.2018.

6. The Petition is disposed of in above terms.

[V. L. ACHLIYA, J.]