

The Dy. Secretary, Maharashtra State by an order dated 25/1/2019 had *inter alia* held that the said conditional sale executed on 29/8/2009 was not legal, as it was entered into without the permission of the Government. The Dy. Secretary by the said order also directed the Commissioner of Sugar to handover the property of the sugar factory to the petitioner. It is a matter of record that the said order was challenged by the third respondent before this Court in Writ Petition No.1633/2019. In the said petition, a statement was made on behalf of the State expressing no objection to delete the concluding portion of the impugned order, which reads thus-

“Hence the request made to transfer the property and the Management of Sugar Factory to the Original Board of Directors of the Karkhana is reasonable. Sugar Commissioner is directed to act accordingly at the earliest.”

4. On the basis of said submission, the said petition was disposed of as withdrawn on 11/7/2019.

5. It is further a matter of record that the third respondent has challenged the remaining part of the order dated 25/7/2019 before this Court in Writ Petition No.8183/2019 in which the Division Bench of this Court by an order dated 25/7/2019 had granted status quo “regarding the impugned order” with the clarification that the said order will not preclude the third respondent (the petitioner in said petition), from carrying out any repairs to the machinery.

6. Be that as it may, on the basis of the order passed on 25/1/2019 by the Dy. Secretary, Maharashtra State, a mutation entry No.8282 has been recorded in the name of petitioner in respect of the subject property which mutation entry is subject matter of challenge at the instance of the third respondent before the learned Dy. Collector. It is in this appeal that the petitioners filed an application for stay of the said appeal, till disposal of Writ Petition No.8183/2019 which request has been rejected by the learned Dy. Collector by the impugned order. Hence, this petition.

7. I have heard Mr. Damle, the learned Senior counsel for the petitioner and Mr. Thorat, the learned Senior counsel for the third respondent. Perused record.

8. On hearing the learned counsel for the parties, it appears that a part of the impugned order has already been withdrawn by the State Government as referred to above. The challenge to the remaining part of the order at the instance of the third respondent, is pending before this Court in Writ Petition No.8183/2019. It was submitted by Mr. Damle, the learned Senior counsel for the petitioner that there is an order of status quo passed in the said petition and the Dy. Collector was required to take cognizance of the same and to stay his hands pending disposal of the said petition. This aspect is controverted at the instance of the third respondent stating that the order of status quo was passed in the context of removal of certain machinery from the factory premises. I find that it is neither necessary nor appropriate for this Court to go into this aspect. For the present, the only question is whether the Dy. Collector should have stayed his hands, in hearing the

appeal pending disposal of Writ Petition No.8183/2019. As noticed earlier, Writ Petition No.1633/2019 has already been disposed of as withdrawn. Even so far as Writ Petition No.8183/2019 is concerned, that is a challenge at the instance of third respondent. If according to the petitioner the remaining part of the order dated 25/1/2019 is in its favour, it is for the petitioner to point this out to the Appellate Authority.

9. In that view of the matter, I do not find any case for interference in the impugned order is made out in the exercise of supervisory jurisdiction of this Court under Article 227 of the Constitution of India. Needless to mention that if the decision in the said appeal is adverse to the petitioner, the petitioner has its own remedy under the provisions of the Maharashtra Land Revenue Code. Subject to this, the petition is dismissed with no order as to costs.

C.V. BHADANG, J.