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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (St.) No. 1929 OF 2020

Ramdas Ganpat Gade & Ors. ... Petitioners
Vs.
Ashok Maruti Gade & Ors. ... Respondents

Mr. Aniesh S. Jadhav, for the Petitioner.

Ms. M. S. Bane, AGP for Respondent No. 10.

CORAM : C. V. BHADANG, J.

DATE : FEBRUARY 27, 2020

PC :

1. Learned counsel for the Petitioners undertakes to remove the office objections within one week from today. Office to register the petition subject to removal of the office objections.

2. The challenge in this petition is to the order dated 24th December, 2019 passed by the Dy. Director of Land Records, Pune (for short "DDLRL") in Second Appeal No. 5034 of 2019. By the impugned order, an application for stay of the order passed by the District Superintendent of Land Records (DSLRL) on 31st October, 2019 (which is subject matter of challenge in Second Appeal No. 5034 of 2019 before the DDLRL), has been rejected.

3. The learned counsel for the Petitioner submits that father of the Petitioners was declared as a tenant in respect of 35.5 Ares of land bearing Survey No. 3/2/A, situated at Kharpudi, taluka Khed, district Pune, and accordingly the said land was recorded in the name

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P.
Halemath

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of father of the Petitioners. It is submitted that in the year 2018 the Petitioners came to know that in the record of rights only 10 acres of land has been recorded in the name of the Petitioners, (who are successors of the original tenants), the Petitioners challenged the same before the DSLR in First Appeal No. 4251 of 2018, which was dismissed on 31st October, 2019. The Petitioners challenged the said order before the DDLR in Second Appeal No. 5034 of 2019, in which the application for stay was rejected.

4. On hearing the learned counsel for the Petitioners and the learned AGP, *prima facie* it appears that no relief was granted to the Petitioners in the first appeal by the DSLR, and there is no effective order, which can be stayed in the second appeal. At this stage, the learned counsel for the Petitioners submits that hearing of the second appeal before the DDLR may be expedited. In such circumstances, the petition is disposed of, directing the DDLR to dispose Second Appeal No. 5034 of 2019 on its own merits and in accordance with law, as expeditiously as possible, and preferably within a period of six weeks from the receipt hereof. It is made clear that this Court has not gone into rival contentions of the parties on merits. In the circumstance, the petition is disposed of in the aforesaid terms, with no order as to costs.

Sd/-
C. V. BHADANG, J.