

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4634 OF 2020

Bapuji Babaji Sawant ...Petitioner
vs.
The State of Maharashtra and Ors. ...Respondents

Mr. S.M. Sabrad i/b. Ms. Neha Parte, for the Petitioner
Mr. P.P. Pujari, AGP for Respondents-State.

CORAM : N. J. JAMADAR
DATE : MARCH 11, 2020

P.C.:

. Heard the learned counsel for the parties.

2. The Petitioner who is the original Defendant No. 8 in R.C.S. No. 40 of 1996 seeks a limited relief of a direction to Respondent No. 1 to expeditiously hear and decide the stay application preferred in Revision Application No. 185 of 2020 preferred against the order passed by Respondent No. 2 – The Additional Commissioner, Kokan Division in Appeal No. 5 of 2019 whereby the Commissioner confirmed the order passed by Respondent No. 3 in Appeal No. 2 of 2018 who had in turn

confirmed the proposed partition of the Suit land pursuant to the decree passed by the Civil Court in R.C.S. No. 63 of 2013 dated 27th February, 2014.

2. The Petitioner has approached this Court as a notice for effecting the partition as proposed and confirmed by the revenue authorities up to Additional Commissioner came to be issued on 24th February, 2010 fixing 11th March, 2020 as a date for taking over and the delivery of the possession of the respective partitions of the suit land.

3. The learned AGP on instruction submits that ten weeks time be stipulated for hearing of the Revision Application as the State Legislature is in Session.

4. The Petitioner has preferred Revision Application No. 185 of 2020 before the State Government. An application for stay is also filed therein. The authority is expected to decide the application for interim relief, if it is not possible to hear the

Revision Application. If the application for interim relief is not decided, the Petitioner would be left in the lurch, in the event authorities give effect to the partition as proposed. Hence, the Respondent No. 1 shall make an endeavour to decide the stay application in Revision Application No. 185 of 2020 within a period of three weeks from 16th March, 2020 on which date the Petitioner shall appear before the Respondent No. 1.

5. The Petition stands accordingly disposed of.

6. The authorities shall not act upon the letter dated 24th February, 2020 till 16th March, 2020.

(N.J.JAMADAR, J.)