

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

WRIT PETITION NO.12771 OF 2019

Ram Karan Singh

..Petitioner

Vs.

Suresh Baloba alias Balu Fand
and Anr.

..Respondents

.....

Mr. Pandit Kasar, Advocate for Petitioner.

Mr. S. D. Rayrikar, AGP for Respondent No.2 / State.

CORAM : C.V. BHADANG, J.

DATE : 28th JANUARY, 2020

P.C.

. The challenge in this petition is to the order dated 15/1/2018 passed by the Dy. Collector and Sub-Divisional Officer (SDO) Khed, District Pune, granting interim stay in an appeal being RTS/APL/14/2018. The said appeal has been filed by the respondent No.1 challenging the order dated 31/8/2017 passed by the Circle Officer Alandi, recording the name of the petitioner No.1 in the record of rights of property in Mutation Entry No.8542 dated 31/8/2017.

2. Learned counsel for the petitioner submitted that under Section 149 of the Maharashtra Land Revenue Code the mutation entry was recorded in the name of the petitioner, as the petitioner is a purchaser of the said property, under a registered sale deed. Thus, there was nothing wrong in the Circle Officer recording the Entry No.8542 on 31/8/2017. It is submitted that the learned SDO was in

error in granting interim stay of the order passed by the Circle Officer. It is submitted that the appeal has not been heard for a period of over two years and interim relief is operating against the petitioner and apprehension is also expressed that on the basis of the order of stay, the Mutation Entry No.8542 may be modified thus causing prejudice to the petitioner.

3. I have carefully considered the circumstances and the submissions made.

4. Prima facie, at this stage, it appears that order which is challenged is of 15/1/2018 and the present petition is filed in September 2019. The petition arises out of an interim order where the main appeal is still pending before the Appellate Authority.

5. In that view of the matter it is appropriate that, the hearing of the appeal is expedited. The apprehension expressed on behalf of the petitioner in the first place appears to be misplaced as even after passing of the order dated 15/1/2018 the record of rights have not been changed as yet. That apart, the change, if any, effected shall be subject to the outcome of the appeal and to that extent shall not be treated as final.

6. In the result, the petition is disposed of with a direction to the learned SDO to decide the RTS Appeal No.14/2018 as expeditiously as possible and in any event, within a period of eight weeks from the receipt hereof.

7. Needless to mention that the appeal shall be decided on its own merits and in accordance with law without being influenced by the confirmation of the order of the interim stay.
8. The parties to appear before the learned SDO on 3/2/2020.

C.V. BHADANG, J.