

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

LD-VC CIVIL WRIT PETITION NO.647/2020

Madanlal S/o Brijlal Kediya and others

..V/s..

Dagadu S/o Natthu Khandwe and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.L. Khapre, Senior Advocate for the Petitioners.
Smt. Mrunal S. Naik, A.G.P. for Respondent Nos.4 to 8.

CORAM : MANISH PITALE, J.

DATED : 30.7.2020.

1] Hearing was conducted through Video Conferencing and all the learned Counsel agreed that the audio and visual quality was proper.

2] Heard Mr. R.L. Khapre, learned Senior Counsel appearing for the petitioners.

3] The perusal of the impugned order dated 14.7.2020 shows that it is an order issuing notice on the appeal as well as the stay application filed by the petitioners before the respondent No.7 - Additional Collector. By the said order, notice has been issued on the appeal as well as the stay application returnable on 5th August, 2020. It is strenuously urged by the learned Senior Counsel appearing for the petitioners that in the facts and circumstances of the present case, particularly when the contesting respondents are represented by a powerful person as a power of attorney holder, respondent No.7 - Additional Collector ought to have granted *ad interim* stay while issuing notice on

14.7.2020. It is submitted by not doing so, great prejudice is likely to be caused to the petitioners.

4] But, this Court is of the opinion that the impugned order dated 14.7.2020 makes the matter pertaining to the appeal as well as the stay application returnable on 5.8.2020 which is less than a week from today and, therefore, this Court is not inclined to exercise writ jurisdiction in the present matter.

5] The apprehension expressed on behalf of the petitioners that the respondent No.7 - Additional Collector may not take up the matter on 5th August, 2020 and the appeal as well as the application for stay would remain pending without any effective orders to the prejudice of the petitioners, needs to be addressed.

6] Therefore, the present writ petition is **disposed of** with a direction to respondent No.7 - Additional Collector to ensure that hearing is conducted and order is passed on the said application on 5.8.2020 itself. This would address the apprehension expressed on behalf of the petitioners. If the petitioners are aggrieved by the order that may be passed by the respondent No.7 - Additional Collector on 5.8.2020, they would obviously be at liberty to challenge the same in accordance with law.

7] The learned A.G.P. is requested to communicate the order passed today to the respondent No.7 - Additional Collector.

8] This order be communicated to the Counsel appearing for the parties, either on the email address or

on Whats App or by such other mode as is permissible in law.

JUDGE

Tambaskar.

Nilesh
Tambaskar

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signed by
Nilesh
Tambaskar
Date:
2020.07.30
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