

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

953. WRIT PETITION NO. 4068 OF 2021

1. Jayabai Diliprao Deshpande,
age 60 years occupation agriculture
2. Diliprao Shivajirao Deshpande,
age 60 years occupation agriculture

both R/o Jawahar Colony, behind Champawati School,
Nagar road, Beed Tal. & Dist. Beed. ...Petitioners

VERSUS

- 1 The Upper Divisional Commissioner,
Aurangabad Tal. & Dist. Aurangabad
2. The Upper Collector,
Collector Office, Beed.
3. The Sub-Divisional Officer,
Sub-Divisional Office, Ambejogai Dist. Beed.
4. Talathi, Sazza Tambawa
Taluka Kaij District Beed
5. Digambar S/o Murlidhar Chate,
age major occupation business
R/o Tambawa Tal. Kaij Dist. Beed ...Respondents

Mr. M.K. Bhosale, Advocate for petitioners
Mr. S.B. Pulkundwar, Asstt. Govt. Pleader for Respts. No.1 to 4

CORAM : N.J. JAMADAR, J.

DATE : 4th March, 2021

ORAL ORDER :

1. Heard the learned Counsel for the petitioners.

2. Challenge in this petition is to the order of *status quo* granted by the Additional Divisional Commissioner, Aurangabad, in Revision Petition No. 200 of 2020, dated 2nd February 2021.

3. The said Revision Petition was preferred by respondent No.5 herein, against the judgment and order dated 27th November 2000 passed by the Additional Collector, Ambajogai in Appeal bearing No. 2020/CD/1/Appeal/-82, whereby the Additional Collector had set aside the order passed by the Sub-Divisional Officer, Ambajogai, in First Appeal No. 2018/ROR/A/41; by which order the Sub-Divisional Officer had stayed the effect of Mutation Entry No. 1622 dated 16th July 2003 subject to the decision of the Civil Court in Reg. Civil Suit No. 24 of 2002 pending on the file of the learned Civil Judge (J.D.), Kaij. The Additional Collector, by the order dated 27th November 2020, had also set aside Mutation Entry No. 1622.

4. It is a grievance of the petitioners that the Revisional Authority has ordered *status quo* without providing an effective opportunity of hearing to the petitioners. And there was no justifiable reason to order *status quo*, when the Additional Collector had ascribed cogent reasons for setting aside the Mutation Entry No. 1622, including the fraudulent manner in which the said entry was got certified.

5. It is pertinent to note that the petitioners have invoked the writ jurisdiction against an *ad-interim* order passed in Revision Petition No. 200/2020. The revision is posted for hearing on 30th March 2021.

6. Even if the order of *status quo* passed by the Revisional Authority is given full effect to, the situation, which obtained on the date of passing of the judgment and order by the Additional Collector in Second Appeal No. 2020/CD/1/Appeal-82, would stand revived. As on that date, the order of the learned Sub-Divisional Officer staying the effect of the Mutation Entry No. 1622 dated 16th July 2013 was holding the field. The Mutation Entry No. 1622 dated 16th July 2003, thus, cannot be given effect to, despite the order of *status quo*, impugned in this petition.

7. In the aforesaid view of the matter, there is no justifiable reason to entertain the petition against an *ad interim* order.

8. With the aforesaid clarification, in para No.6, the petition stands dismissed.

(N.J. JAMADAR)
JUDGE