

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

942 WRIT PETITION NO.3914 OF 2021

UDDHAV GANPATI WAGH AND OTHERS
VERSUS
THE ADDITIONAL COLLECTOR, OSMANABAD AND OTHERS

...
Advocate for the Petitioners : Shri Bhagwan R. Sable
AGP for Respondents -State : Shri R. D. Sanap
...

CORAM : N. J. JAMADAR, J.

DATE : 02nd MARCH, 2021

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PER COURT :

1. Heard the learned Advocate for the petitioner.
2. The challenge in the Writ Petition is to the order dated 29/01/2021 passed by the Additional Collector, Osmanabad in Revision Case No.2020/RTS/68, whereby the Additional Collector was persuaded to reject the prayer of stay to the order passed by the learned Sub-Divisional Officer, Osmanabad in RTS Appeal No. 2018/ROR/A-111, whereby the Sub-Divisional Officer had directed the Tahsildar to conduct a fresh enquiry and determine the claim of the applicants Navnath Vinayak Wagh – Respondent No.4 and Anita Arun Gawade - respondent No. 5, for cart way through gat Nos. 195 and 196, of which the petitioners claim to be the holders.

3. By the impugned order, while rejecting the prayer for stay, the Additional Collector directed that the appeal itself be listed for hearing on 3rd March 2021.
4. Since the petitioners are challenging an interim order and the Additional Collector has directed that the appeal itself be listed for hearing on 3rd March 2021, no cause is made out to interfere in the extraordinary jurisdiction.
5. The interest of the petitioner can be taken care of by directing the Additional Collector, Osmanabad to decide the appeal within a period of one month from the scheduled date of hearing i.e. 3rd March 2021.
6. The petition stands accordingly disposed of.
7. All concerned to act on an authenticated copy of this order.

(N. J. JAMADAR, J.)

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