

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

WRIT PETITION NO. 5023 OF 2014

Shamrao Ramoji Jaibhaye

Died through L.Rs.

1-a) Nilawati Shamrao Jaibhaye and others ... Petitioners

Versus

The State of Maharashtra and others ... Respondents

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Mr. Shivprasad G. Jadhavar, Advocate for petitioners

Mr. S. P. Tiwari, AGP for respondent Nos. 1 to 5

Mr. S. S. Kazi, Advocate for respondent No.6

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CORAM : R. G. AVACHAT, J.

DATED : 11th JANUARY, 2021

PER COURT :-

. Heard learned counsel for the parties.

2. Mr. Jadhavar, learned counsel appearing for the petitioners submits that mutation entry in favour of the petitioners has been challenged after little over 32 years. The authority, purportedly accepted the application challenging the mutation in favour of the petitioners.

3. The petitioners have therefore, preferred appeal before the Collector. The Collector has not passed any order on interim application nor has decided the appeal.

4. Meanwhile, the Tahsildar has issued a communication dated 03.06.2014 directing his subordinates to implement the order under challenge. The petitioners are therefore before this Court.

5. Learned counsel for the contesting respondents made submissions on merits of the matter. The matter cannot be decided on merits since the same is pending before the Collector. The purpose would be served with a direction to the Collector to decide the interim application or the appeal itself within a period of fifteen days from the date of receipt of the copy of this order.

6. In view of the above, the writ petition is disposed of with a direction to the Collector to decide the appeal or at least interim application within a period of fifteen days from the date of receipt of the copy of this order. Interim relief to continue till next fifteen days.

[R. G. AVACHAT, J.]

SMS