

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

1056 WRIT PETITION NO.7930 OF 2021

INDRABAI AMBADAS PAWAR AND OTHERS
VERSUS
HABIBODDIN SARDARODDIN AND OTHERS

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Advocate for Petitioners : Mr. Hrishikesh V. Tungar.

Advocate for Respondent Nos.1, 2 & 4: Mr. S. S. Kazi.

AGP for Respondent No.5 /State: Mr. S. P. Tiwari.

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CORAM : **S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 03rd September, 2021.

PER COURT:

. Heard the learned counsel for petitioners, the learned counsel for respondent and the learned AGP.

2 The grievance of the petitioners is that the petitioners have filed appeal against the order passed by the Deputy Collector Land Reforms, Beed. The appeal is filed before the Additional Collector. The same is pending. The petitioners have also filed the stay petition. The stay petition is not being decided and the respondents are trying to dispossess the petitioners. According to the learned counsel for petitioners, the petitioners are tenants.

3 According to Mr. Kazi, learned counsel for respondents, the petitioners are not concerned with the writ property. Occupancy rights are given in favour of the present respondents. The petitioners are strangers to the property.

4 In the present writ petition, we are not going to decide about the rights of the parties in view of the fact that the appeal is pending before the Additional Collector.

5 It is submitted that one Writ Petition bearing No.4900 of 2017 is filed by the present respondents, in which the present petitioners are also parties. The said writ petition is filed against the order wherein directions are given for disbursal of the amount of compensation.

6 The Deputy Collector Land Reforms is the competent authority to decide the nature of the property. The order is passed by the Deputy Collector Land Reforms, against which the appeal is filed by the petitioners before the Additional Collector.

7 The Additional Collector shall decide the stay petition filed by the petitioners, preferably within six months after hearing all the parties concerned.

8 Till the stay petition is decided, *status-quo* as on today with regard to the writ property be maintained.

9 The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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