

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7827 OF 2021

Shahanaz Mahammadguas Zari @
Shahanaz Taimur Patel (Patil)

... Petitioner

V/s.

Amit Gopalrao Patwardhan & Ors.

... Respondents

Mr. M.L. Patil for the petitioner.

Mr. Rahul Patil for respondent nos. 1 to 3.

Mr. A.P. Vanarase, AGP for the State.

CORAM : G.S.KULKARNI, J.

DATE : 6 December, 2021

P.C.:

1. A limited challenge as mounted in this petition is to an order dated 8 September, 2021 passed by the Deputy Director of Land Records, Pune Division whereby he has ordered that the petitioner's interim application for stay of the proceedings which has been initiated by the respondents before the District Superintendent of Land Records in Appeal No. 184 of 2019 be heard in the due course.

2. The case of the petitioner is that by the appeal in question filed before the District Superintendent of Land Records issues which had attained finality in 1987 have been reopened at the behest of the private respondents and hence in this circumstances,

in assailing the order passed by the District Superintendent of Land Records, a revision in question was filed before the Deputy Director of Land Records and in such revision, prayer was made by an interim application to stay the proceedings of appeal before the District Superintendent of Land Records.

3. In my opinion, for such a small cause, the petition ought not to be kept open. It would be in the interest of justice that the Deputy Director of Land Records decides the petitioner's application for stay within a period of four weeks from today. At the first instance, the parties are directed to appear before the Deputy Director of Land Records along with this order on 20 December, 2021 at 2.30 p.m. The Deputy Director of Land Records shall accordingly fix a convenient date of hearing of the stay application as filed by the petitioner and decide the same as expeditiously as possible within a period of four weeks from 20 December, 2021. All contentions of the parties on such proceedings are expressly kept open.

4. Learned AGP shall immediately forward the copy of this order as well as orally intimate of this order to the Deputy Director of Land Records, Pune Division, Pune.

5. Writ Petition is accordingly disposed of in the above terms. No costs.

6. At this stage, Mr. Patil, learned counsel for the petitioner submits that the private respondents ought not to proceed in their appeal before the District Superintendent of Land Records. Prayer is reasonable.

7. Till such time the application of the petitioner is decided, the District Superintendent of Land Records is directed not to proceed with the appeal and the connected proceedings.

8. Needless to observe that the above order is passed by this Court without examining the merits of the rival contentions. Pending proceedings before the respective authorities shall be decided on their own merits and without being influenced by the above protection as granted by this Court.

(G.S.KULKARNI, J.)