

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2650 OF 2021**

Gangaram Hasanand Nagdev ... Petitioner
Versus
The Divisional Commissioner and Ors. ... Respondents

Mr. Akshay Petkar, for Petitioner.
Ms. M.P.Thakur, AGP, for State.
Mr. Suhas Deokar, for Respondent No.5.

**CORAM: S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.
(THROUGH VIDEO CONFERENCING)**

DATE: 13th JULY, 2021

P.C.:

1. The above Writ Petition is filed by the Petitioner inter alia seeking the following reliefs :

“(a) This Hon’ble Court may be please to issue Writ of Mandamus or any other Writ, Order, Direction in the nature of Writ of Mandamus, thereby directing Divisional Commissioner, Pune i.e. Respondent No.1 herein, to forthwith decide Application for stay in RTS Appeal No.139 of 2021 filed by Petitioner under Section 247 of Maharashtra Land Revenue Code, 1966 being Exhibit L to this Petition;

In the alternative :

(b) This Hon’ble Court may be please to issue Writ of Mandamus or any other Writ, Order, Direction in the nature of Writ of Mandamus, thereby directing Divisional Commissioner, Pune i.e. Respondent No.1 herein to forthwith decide RTS Appeal No.139 of 2021 filed by Petitioner under Section 247 of Maharashtra Land Revenue Code, 1966 being Exhibit

K to this Petition;

(c) This Hon'ble Court may be please to issue Writ of Mandamus or any other Writ, Order, Direction in the nature of Writ of Mandamus, thereby directing Collector, Pune City i.e. Respondent No.2, Tahsildar, Pune i.e. Respondent No.3 and Circle Officer, Pune City i.e. Respondent No.4 herein not to give effect to the impugned Order dated 30th April, 2021 passed by Collector, Pune City i.e. Respondent No.2 (being Exhibit I to this Petition) till hearing and final disposal of the Application for stay filed by the Petitioner in RTS Appeal No.139 of 2021 filed by Petitioner before Divisional Commission under Section 247 of Maharashtra Land Revenue Code, 1966 being Exhibit L to this Petition;

(d) This Hon'ble Court may be please to issue Writ of Mandamus or any other Writ, Order, Direction in the nature of Writ of Mandamus, thereby directing Collector, Pune City i.e. Respondent No.2, Tahsildar, Pune City i.e. Respondent No.3 and Circle Officer, Pune City i.e. Respondent No.4 herein not to give effect to the impugned order dated 30th April, 2021 passed by Collector, Pune City (being Exhibit I to this Petition) till hearing and final disposal of the RTS Appeal No.139 of 2021 filed by Petitioner before Divisional Commissioner under Section 247 of Maharashtra Land Revenue Code, 1966 being Exhibit K to this Petition;"

2. We have heard the learned Advocates for the parties. The Advocate for Respondent No.5 on instructions states that pending the hearing of the RTS Appeal No.139 of 2021, status quo as on date qua the subject premises will be maintained by the Respondent No.5. In view thereof, we pass the following order :

(i) The Additional Commissioner, Pune Division, shall give a hearing to all the concerned parties in RTS Appeal No.139 of 2021 and pass his speaking order

by 23rd July, 2021 strictly on merits and submit the same before this Court on 29th July, 2021. All contentions of the parties are kept open.

(ii) Status quo as of today shall be maintained by all the parties in respect of the subject premises.

(ii) The Writ Petition is accordingly disposed of.

(iii) Though the Writ Petition is disposed of, place the same on 29th July, 2021 to report compliance.

(MILIND N. JADHAV, J.)

(S.J.KATHAWALLA, J.)