

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 8041 OF 2021**

Sopan Gulabrao Kolte

... Petitioner

Versus

The State of Maharashtra and others

... Respondents

.....

Mr. Uday Warunjikar instructed by Mr. Harshad Sathe for the Petitioner.

Ms. M.P. Thakur, AGP for the State.

Mr. Anil Anturkar, Senior Advocate alongwith Mr. Yatin Malvankar instructed by Mr. Amol Gatne for Respondent Nos.3 to 6.

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**CORAM : S.J. KATHAWALLA AND
MILIND N. JADHAV, JJ.****DATED : DECEMBER 8, 2021.****P.C. :-**

1. By the above Writ Petition, the Petitioner seeks the following relief :

"(a) That this Hon'ble Court be pleased to issue appropriate order or direction calling for the record and proceedings pertaining to the impugned notice dated 18/11/2021 and order dated 01/02/2021 issued by the Ld. Tahsildar, Lonikand, in respect of Gut No.126, 127, 128, 131, 132, 133, 191, 192, 193, 195 and 196, Village Lonikand, Taluka Haveli, Dist. Pune and after examine the same be pleased to quash and set aside the same being illegal."

2. Admittedly, the Petitioner is concerned with only land bearing Gut No.193.

After hearing the parties, we pass the following Order :

- (i) The Petitioner shall file an Appeal before the Sub-Divisional Officer impugning the Order dated 1st February, 2021 passed by the Tahsildar, Haveli.
 - (ii) The Petitioner is granted liberty to raise all his contentions including his contention that he was not heard by the Tahsildar.
 - (iii) The SDO shall consider the submissions of both the sides and pass his order not later than eight weeks from today.
 - (iv) Both the parties shall appear before the SDO on 13th December, 2021 and obtain necessary directions.
 - (v) Until the SDO hears the ad-interim application filed by the Petitioner and passes his Order and for a period of two weeks if the Order is against the Petitioner, the status-quo as of today in respect of Gut No.193 shall be maintained by the parties as well as authorities for a period of two weeks thereafter.
 - (vi) All contentions of the parties are kept open.
3. The above Writ Petition is accordingly disposed off.

(MILIND N. JADHAV, J.)

(S.J. KATHAWALLA, J.)