

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

904 WRIT PETITION NO.5253 OF 2022

**PUSHPABAI KISAN DALE AND ANOTHER
VERSUS
THE DISTRICT COLLECTOR AND OTHERS**

.....

Mr. Ravindra V. Gore, Advocate for the petitioners
Mr. S. G. Karlekar, AGP for respondent nos. 1 to 5
Mr. S. S. Bora, Advocate for respondent nos. 6 to 10

.....

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : JUNE 21ST, 2022

PER COURT : -

1. We have considered the submissions of the learned advocates for the respective sides. We have perused the order passed by the learned Vacation Court dated 10.05.2022.

2. The petitioner has put forth prayer clauses B, C, D and E as under : -

B] By issuing writ of certiorari or any other appropriate writ or order in the like nature, impugned Notice dated 02/05/2022 issued by respondent no. 5/Circle Officer, Kannad, Tq. Kannad, Dist. Aurangabad, may kindly be quash and set aside.

C] By issuing writ of mandamus or any other appropriate writ or order in the like nature, Respondent no.3/The Sub-Divisional

Officer, Kannad, Dist. Aurangabad may kindly be directed to decide stay petition in Revision Application no. 04/2022 filed against Judgment and Order dated 09/03/2022 passed by the Ld. Tahsildar, Kannad, Dist. Aurangabad in Case Ja.Kra.2020/Jama-2/Rasta Fer Choukashi/CR No.04/2020.

- C] Pending hearing and final disposal of the stay petition in Revision Application No. 04/2022 pending before Learned Respondent no.3/The Sub-Divisional Office, Kannad, Dist. Aurangabad, the execution, implementation and operation of the Judgment and Order dated 09/03/2022 passed by the Ld. Tahsildar, Kannad, Dist. Aurangabad in Case Ja.Kra.2020/Jama-2/Rasta Fer Choukashi/CR No.04/2020 and impugned notice dated 02/05/2022 issued by Respondent no.5/Circle Officer, may kindly be stayed.
- E] Pending hearing and final disposal of this writ petition, the execution, implementation and operation of the Judgment and Order dated 09/03/2022 passed by the Ld. Tahsildar, Kannad, Dist. Aurangabad in Case Ja.Kra.2020/Jama-2/ Rasta Fer Choukashi/CR No. 04/2020 and impugned notice dated 02/05/2022 issued by Respondent no.5/Circle Officer, may kindly be stayed.

3. Now that this Court has granted interim protection to the petitioner, which he was praying for by virtue of his Stay Petition in Revision Application No. 04/2022, we deem it appropriate to dispose off this petition and direct the Sub-Divisional Officer, Kannad to decide the pending revision application expeditiously. The learned advocate appearing on behalf of respondent nos. 6 to 13 pray that a time frame may be granted as the petitioners are likely to take undue advantage of the interim protection granted by this Court and delay the matter.

4. In view of the above, this petition is **disposed off** with the following directions: -

- (a) The Sub-Divisional Officer shall dispense with notice since petitioner nos. 1 and 2 and respondent nos. 6 to 13, who are before us, are put to notice that they will appear before the Sub-Divisional Officer, Kannad, on the scheduled date 11.07.2022 at 11:00 a.m.
- (b) All the parties are at liberty to file their written notes of submissions.
- (c) The Sub-Divisional Officer, Kannad, would conclude the hearing in the matter, latest by 12.07.2022.
- (d) Thereafter, he would deliver an order on 29.07.2022 at 03:00 p.m.
- (e) The litigating parties would remain present at the time of the pronouncement of the order.
- (f) Copies of the order shall be kept ready to be delivered to the parties forthwith, on depositing the requisite fees, if any.

5. The *ad interim* protection granted by this Court on 10.05.2022, would continue till 29.07.2022.

[ANIL L. PANSARE]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE