

Suhas s/o Arun Maske & Ors. - **PETITIONERS**

The State of Maharashtra & Ors

- RESPONDENTS

Mr.Sandipkumar R.Sapkal, Advocate for Petitioners
Mrs. V.N. Patil-Jadhav, A.G.P. for Respondents.

**CORAM : DIPANKAR DATTA, CJ &
N.B.SURYAWANSHI,J.**

PER COURT :

1. Civil Application No. 6327 of 2021, at the instance of Shri Sansthan Ram Mandir and Shri Shamrao Govindrao Shelke, is for intervention.
2. Having perused the said application for intervention and for reasons that would emerge from the discussions hereunder, we allow the same. No costs.
3. The Deputy Collector (General), Land Reforms, Beed, by order dated 27th February, 2018 granted

occupancy of certain lands in favour of the petitioners. It is alleged by the petitioners that within months of such order dated 27th February, 2018, the successor-in-office of the said Deputy Collector, without notice to the petitioners, passed an order dated 4th June, 2021 revoking the earlier order. The order dated 4th June, 2021 is the subject matter of challenge in this writ petition on diverse grounds.

4. After notice was issued to the respondents in pursuance of an order dated 23rd June, 2021 passed on this writ petition, there have been certain significant developments. The order of the Deputy Collector dated 27th February, 2018 was challenged in appeal before the Additional Collector, Beed by the intervenors and by his order dated 10th December, 2021, the said Additional Collector set aside the order under challenge. It is not in dispute that the order dated 10th December, 2021 has been carried by the petitioners in appeal before the Additional Commissioner, Aurangabad and that such appeal is pending.

5. In view of such subsequent developments and more particularly the fact that the order of the Deputy Collector dated 27th February, 2018 ceases to exist, the issue raised in this writ petition with regard to the legality and validity of the order dated 4th June, 2021

do not survive. Since the appeal is pending before the said Additional Commissioner, the same has to be disposed of in accordance with law.

6. The petitioners and the intervenors are not *ad idem* with regard to possession of the subject land. Each party has claimed possession thereof. A determination of such issue cannot be made on affidavit evidence; hence, the interim order of *status quo* passed on 23rd June, 2021 stands vacated.

7. The writ petition stands disposed of leaving all contentions open for being urged by the parties before the said Additional Commissioner who is encouraged to dispose of the appeal in accordance with law, as expeditiously as possible.

8. No costs.

(N.B. SURYAWANSHI, J.)

(CHIEF JUSTICE)

bdv.