

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

WRIT PETITION NO. 10875 OF 2022

Sangmeshwar Manikrao Shetkar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Shivprasad G. Jadhavar, Advocate for the Petitioner.
Mrs. G. L. Deshpande, A.G.P. for the Respondent Nos. 1 to 5.
Shri Dattatraya R. Markad, Advocate for the Respondent No. 6.

**CORAM : SANDEEP V. MARNE, J.
DATE : 20TH OCTOBER, 2022.**

FINAL ORDER :

. By this petition, the petitioner is challenging order dated 27.09.2022, by which the Additional Divisional Commissioner, Aurangabad has refused to grant stay to his order dated 12th August, 2022 of which review is sought by the petitioner.

2. Facts in nutshell are that father of the respondent No. 6 appears to have executed a gift deed in favour of the petitioner on 30.11.2017. On the strength of that gift deed, the name of the petitioner came to be mutated to the record of rights of the property. The respondent No. 6 challenged the mutation entry before the Sub Divisional Officer by filing an appeal, which came to be rejected by order dated 13.03.2019. The respondent No. 6 challenged the order of the Sub Divisional Officer before the Additional Collector by filing a second appeal, which also came to

be turned down by order dated 30.08.2019. However, in the revision preferred by the respondent No. 6, the Additional Divisional Commissioner, Aurangabad was pleased to set aside the order of the Additional Collector as well as the concerned mutation entry by order dated 12.08.2022. The petitioner has sought stay of the order dated 12.08.2022 during the pendency of the review petition.

3. It appears that, the respondent No. 6 has already instituted a civil suit for cancellation of gift deed, which is pending.

4. Considering above facts and situation, this petition can conveniently be disposed of by directing the Additional Divisional Commissioner, Aurangabad to decide the review petition filed by the petitioner on its own merits, in accordance with law, as expeditiously as possible and preferably within a period of four (04) months from the date of appearance. The petitioner to serve copy of review petition on Mr. D. R. Markad, learned counsel who is appearing for the respondent No. 6 in the proceedings before the Additional Divisional Commissioner. The parties to appear before the Additional Divisional Commissioner, Aurangabad on 10.11.2022. Till the review petition is decided, parties to maintain *status quo* with regard to the mutation entry.

[SANDEEP V. MARNE, J.]