

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6160 OF 2022

Krushnabai Sourappa Mhetre and Anr. ...Petitioners

V/s.

State of Maharashtra and Ors. ...Respondents

Mr.Rushikesh G. Patil for the Petitioners.

Ms. R. M. Shinde, AGP for the Respondents.

**CORAM : PRASANNA B. VARALE AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 07 JUNE 2022

PC.

1. Heard learned counsel for the Petitioners.
2. Considering the limited grievance raised in the Petition, we are of the opinion that the Petition itself can be disposed of at the admission stage. The Petitioner is the land owner and there was some dispute between family members in respect of the land. The said dispute was submitted to the Circle Officer, Bhosari, Taluka Haveli, District Pune and the same was entertained by the said Officer as Dispute No.S. R. No.29 of 2020. It seems that in support of the contentions, some documents in the form of revenue entries as well as the death certificate were pressed in service. On hearing the parties by detailed order, the dispute submitted to the Authority at the instance of Respondent No.4 Yallappa Sourappa Mhetre was allowed. In the order, the Circle Officer cancelled the entry on the basis of death certificate. The said order was passed by the Circle Officer on 12th September, 2020. The Petitioners who are the Respondents in the dispute being aggrieved by the order of the

Circle Officer preferred an Appeal to the Sub Divisional Officer Taluka Haveli, District Pune, under the provisions of The Maharashtra Land Revenue Code, 1966 and more particularly under Section 247 of the Code. The said Appeal was numbered as RTS Appeal No.184 of 2021. A copy of the Appeal memo is placed on record and annexed to the Petition as Exhibit 'E' at page 33.

3. Learned counsel for the Petitioners submitted before this Court that it was a reasonable expectation of the Petitioners that the Appellate Authority would decide the Appeal within a reasonable period, but as there was no progress in the Appeal, the Petitioners left with no choice but to approach this Court by filing the present Writ Petition. It is also submitted in the Petition that initially the Authorities by taking shelter of COVID-19 Pandemic are not proceeding further in the matter and the pendency of the Appeal is causing serious prejudice to the Petitioners. Considering the material placed on record, we find justifiable merits in the submissions of the learned counsel for the Petitioners that it is a reasonable expectation of the parties for an early hearing and decision in the Appeal proceedings. Thus, without expressing anything on merits, we are of the opinion that the Petition can be disposed of with direction to Respondent No.2 i.e. Sub Divisional Officer, Haveli, Taluka Haveli, District Pune. Hence, the following order;

:: ORDER ::

- (i) Respondent No.2 i.e. Sub Divisional Officer, Haveli, Taluka Haveli, District Pune is directed to decide RTS Appeal No.184 of 2021 as expeditiously as possible and not later than 4 months from the date of receipt of order of this Court.

(ii) Needless to state that the Appellate Authority i.e. Respondent No.2 is directed to provide a reasonable opportunity of hearing to the parties in the Appeal.

(iii) We further make it clear that Respondent No.2 to decide the Appeal on its own merits and this Court has not expressed any opinion on the merits of the matter.

4. Accordingly with the above referred directions the Writ Petition is disposed of.

(SHRIKANT D. KULKARNI, J.)

(PRASANNA B. VARALE, J.)