

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

WRIT PETITION NO. 6223 OF 2022

Ganpat Daji Shelar	...Petitioner
V/s.	
The State of Maharashtra and Ors.	...Respondents

Mr.Satyajeet A. Rajeshirke for the Petitioner.
Mr. S. L. Babar, AGP for the Respondent-State.

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

DATE : 07 JUNE 2022

P.C.

1. Heard learned counsel for the Petitioner.
2. Considering the grievance raised in the Petition, we are of the opinion that the Petition itself can be disposed of at the admission stage. It may not be out of place to refer the facts emerged from hearing of the learned counsel as well as on perusal of the documents placed on record. The father of the Petitioner was owner and possessor of the certain land and the said land was acquired for Koyna Irrigation Project. The Petitioner in view of the acquisition of land, was declared as a project affected person. The Revenue Authority took certain steps to allot an alternate land to the Petitioner being the project affected person. The copy of the notice issued to the Petitioner dated 28th November, 2008 at the instance of Sub Divisional Officer, Palus, District Sangli, is placed on record as Exhibit 'D' at page 33 to the Petition. There was also a document placed on record as Exhibit 'E' to submit the area of the land allotted to the Petitioner as a project affected person.
3. Learned counsel for the Petitioner by inviting our attention to the document placed on record as Exhibit 'M' at page 49 submitted

that the order was passed by the Collector and Deputy Director (Rehabilitation), Sangli on 15th March, 2022. It is submitted by the learned counsel that the opening part of the order itself has reference to a complaint against the Petitioner. Learned counsel then submitted that vide order dated 15th March, 2022, the District Collector, cancelled the entry of allotment of land in favour of the Petitioner and then passed certain consequential directions. Being aggrieved by the order of the Collector, the Petitioner immediately approached the Additional Commissioner, Pune Division, Pune by preferring an Appeal being RTS Appeal No.27 of 2022 under the provisions of the Maharashtra Land Revenue Code, 1966 more particularly under Section 247 of the Code. As the Petitioner is apprehending the action against him as observed in the order of the the Collector, Sangli in the nature of deletion of entry and dispossession of the Petitioner, the Petitioner also filed an Application for grant of stay to the order of the Collector. The copy of the Appeal Memo as well as copy of the Application for grant of stay are placed on record as Exhibit 'P' and 'Q' respectively to the Petition. Learned counsel submits that during the pendency of the Petition, action pursuant to the order of the Collector, Sangli in respect of deletion of entry was initiated by the Revenue Authority, but the Petitioner is still in possession of land and he apprehends dispossession. It is submitted by the learned counsel for the Petitioner that inspite of various request being made to Appellate Authority till date neither order was passed on Application nor on Appeal. Learned counsel for the Petitioner submitted that in case no orders are passed by the Appellate Authority so as to protect the Petitioner and in case any adverse action is initiated by the Revenue Authority in pursuant to the order of the Collector, Sangli, the

Petitioner would be subject to serious prejudice and irreparable loss. We find considerable merit in the submissions of the learned counsel for the Petitioner. Accordingly, without expressing any opinion on the merits of the Appeal, we deem it appropriate to dispose of the Petition with direction to Respondent No.2 – the Additional Commissioner Pune, Division Pune. Hence, the following order;

:: ORDER ::

- (i) Respondent No.2 - the Additional Commissioner Pune, Division Pune is directed to decide interim Application as early as possible and not later than 4 weeks from the date of receipt of the order of this Court.
 - (ii) Needless to state that Respondent No.2 is directed to provide an equal opportunity of hearing to the parties.
 - (iii) We further make it clear that Respondent No.2 to decide the interim Application on its own merits and this Court has not expressed any opinion on the merits of the matter.
4. With the above directions the Writ Petition is disposed of.
 5. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.
 6. Learned AGP to communicate this order to Respondent No.2 - the Additional Commissioner Pune, Division Pune.

(SHRIKANT D. KULKARNI, J.)

(PRASANNA B. VARALE, J.)