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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9647 OF 2022

Balaji Enterprises through Hubtown ... Petitioners
Ltd. And Anr.

V/s.

Vijay CHS Ltd and Ors. ... Respondents

Mr. Kailas Dewal i/by Mr. Yash Dewal for the petitioners.

Mr. Sandesh D. Patil a/w. Mr. Chintan Y. Shah I.by Mr. Prithviraj S. Gole for the respondent no.1.

Ms. Gayatri Mohite I.by The Law Point for the respondent no.2.

Mr. Mandar Limaye for the respondent no.3

Ms. R.M. Shinde – AGP for the respondent nos. 4 and 6.

**CORAM : PRASANNA B. VARALE AND
KISHORE C. SANT, JJ.**

DATED : AUGUST 22, 2022.

P.C. :

. Vide an order dated 18th August 2022, the petitioners were permitted to amend the petition. Accordingly, the petition is amended. It seems that the private notices were served.

2. Leaned counsel Mr. Patil appearing for respondent no. 1, learned counsel Ms. Mohite appearing for respondent no. 2, learned counsel Mr. Limaye appearing for respondent no.3 and learned AGP for respondent nos. 4 and 6 are present in this Court.

3. The petitioners by way of present petition are challenging the order passed by the District Superintendent of Land Records, Thane dated 17th May 2022 and accordingly, the prayer clause (a) is couched.

4. The petitioners had preferred the Revision Application before the State Authorities along with an application for grant of stay. A copy of the Revision Application is placed on record at page-25 and a copy of the stay application is placed on record at page -134. The Revision Application and the stay application are filed on 13th June 2022.

5. Learned counsel for the petitioners was justified in submitting before this Court that though the revision application and stay application were immediately filed, due to peculiar circumstances, there were no progress in the matter.

6. At the outset, the learned counsel for the petitioners submits that due to inadvertence though the copy of the revision application and application for grant of stay are placed on record, prayers to that effect seeking directions for decision in the revision application and stay application are remained to be incorporated in the prayer clauses. The learned counsel, thus, orally prays for amendment to the petition by adding the prayers. Oral prayer for amendment is allowed. Amendment to be carried out forthwith.

7. In this proceedings, it is further submitted by learned

counsel for the petitioners that on one hand as there is no decision either on the stay application or on the revision application and on the other hand the lower authority may proceed with the matter at the insistence of respondents particularly, private respondents, the petitioners be protected by granting interim order.

8. Learned counsel Shri Patil, appearing for the respondent no.1 submits that the course adopted by the petitioners itself is unsustainable, namely, revision application filed before the State Authorities. Though learned counsel Mr. Patil raises this objection, at this stage, we are not inclined to assess the merits of the petition.

9. Considering the fact that post filing of the petition, there is a positive change in the situation, admittedly, now the revision application and the application for grant of stay can be heard by the authorities concerned. The objections, if any, in respect of maintainability of the proceedings before the State Authorities can also be taken care by granting opportunity of hearing to the respondents, who have already made party in the petition.

10. Considering the above referred aspects, we deem it appropriate to dispose of the petition with directions to the respondent no.6 to decide the revision application as early as possible. We further direct that the respondent-State to decide the application for grant of stay on priority basis as early as possible and not later than four weeks from the date of receipt of the order of this Court.

11. The learned counsel Shri-Patil, on instructions from respondent no.1, makes a statement before this Court that till the orders are passed on the stay application, the respondents would not insist for hearing of the proceedings before the lower authority. The statement made on behalf of the respondents is accepted as undertaking to this Court.

12. With the above referred directions, we dispose of the petition.

13. Learned AGP to communicate this order forthwith.

14. Parties to act on an authenticated copy of this order.

(KISHORE C. SANT, J)

(PRASANNA B. VARALE , J)