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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8324 OF 2022

VASANT
ANANDRAO
IDHOL

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VASANT
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Date: 2022.07.14
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Triveni P. Upadhyay

...Petitioner

V/s.

State of Maharashtra & Ors.

...Respondents

Mr.Amogh Singh i/b Mr.D.P. Singh for the Petitioner.

Mr.N.K. Rajpurohit, AGP for the State - Respondent.

CORAM : R.D. DHANUKA &
M.G. SEWLIKAR, JJ.
DATE : 12TH JULY, 2022.

P.C. :-

1. The papers are allowed to be produced at 2.30 p.m. on production board on the praecipe filed by the learned counsel for the petitioner.
2. Rule. Mr.Rajpurohit, learned AGP waives service for the State - respondent. Rule made returnable forthwith.
3. By this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for a writ of certiorari for quashing and setting aside the notice dated 19th April, 2022 and the impugned order dated 5th July, 2022 passed by the respondent no.2. Learned counsel for the petitioner invited our attention to the impugned order

dated 5th July, 2022 passed by the Deputy Collector and submits that the said order is without rendering any reasons. He submits that the petitioner is directed to vacate the premises within seven days from the date of receipt of the said notice. The petitioner proposes to file an appeal under section 247 of the Maharashtra Land Revenue Code before the Appellate Authority within two weeks from today along with stay application. Statement is accepted.

4. The petitioner would be at liberty to challenge the said order by availing alternate remedy under section 247 of the Maharashtra Land Revenue Code on its own merits and in accordance with law.

5. The respondents are directed not to take any coercive steps to implement the said order dated 5th July, 2022 for a period of eight weeks from today. The petitioner would be at liberty to apply for stay of the implementation of the said order dated 5th July, 2022 before the Appellate Authority.

6. It is made clear that granting an opportunity to the petitioner to avail of alternate remedy and to grant interim protection to the petitioner for a period of eight weeks from today, would not indicate expression of view on merit of the impugned order passed by the Deputy Collector. The Appellate Authority shall decide the appeal along with stay application on its own merits and in

accordance with law.

7. The writ petition is allowed in aforesaid terms. Rule is made absolute accordingly. There shall be no order as to costs. Parties to act on the authenticated copy of this order.

8. It is made clear that if the petitioner does not file any appeal along with stay application within two weeks from today, the interim protection granted by this Court to stand vacated without further reference to the Court.

(M. G. SEWLIKAR, J.)

(R.D. DHANUKA, J.)