

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9966 OF 2022**

Gajanan Dattoba Jambhale and ors.

....Petitioners

Versus

The State of Maharashtra and ors.

....Respondents

Ms. Manjiri S. Parasnis, Advocate for the petitioners.

Mr. P.P.Kakade, GP with Mr.V. S. Gokhale, B Panel Counsel for the State.

Mr. S. R. Nargolkar with Mr.Arjun Kadam, Advocate for Respondent Nos.6 to 10.

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

DATE : 23rd AUGUST, 2022.

P.C. :

1. It seem that caveat was filed and Mr. Nargolkar, learned counsel is appearing on behalf of respondent Nos.6 to 10.

2. Heard learned counsel and learned GP appearing for the respective parties.

3. Ms. Parasnis, learned counsel for the petitioners, submitted that due to the events occurred post-filing of the petition, prayer clauses (a) and (b) in the petition have lost their efficacy, as such, the petitioner is

restricting the petition only in respect of prayer clause (c). Prayer clause (c) reads thus :

- c) This Hon'ble court may be pleased to issue Writ of mandamus or any other writ, order or direction in the nature of mandamus thereby directing the Respondent No.2 to forthwith decide complaint dated 10/06/2022 filed by the Petitioners and initiate action against the Respondent No. 5, being exhibit M to this Petition;

A copy of the said application/complaint is placed on record at Exhibit- M, page 126. The grievance in the application is two-fold. Firstly, learned Tahsildar, before whom the proceeding is initiated and pending, is not possessing the requisite powers to proceed with the matter. Secondly, the Tahsildar refused representation of a lawyer in the proceedings. The application is filed before the Collector on 10th June, 2022 and the petition is filed in this Court on 9th July, 2022.

4. Though it can safely be said that the petitioner after filing the application on 10th June, 2022, immediately within 5 weeks approached this Court raising grievance that the application before the Collector is pending decision and it is admitted position that the District Collector acts and discharge his duties in various capacities as a Revenue Head as well as District Magistrate, as such, the parties are expected to give

some reasonable time to the authority for a decision on an application or proceeding. Be that as it may, now as the petition is restricted only to prayer clause (c), we deem it appropriate to dispose of the petition by passing the following order:

O R D E R

1. Respondent No.3 – District Collector, Pune, is directed to decide the application dated 10th June, 2022 filed by the petitioners, as expeditiously as possible and not later than 12 weeks from the date of passing of the order by this Court.

2. We further make it clear that this Court has not made any observations on the merits of the application and Respondent No.3-District Collector, Pune, is at liberty to assess the merit of the application and pass appropriate orders.

With the above directions, the petition stands disposed of.

(KISHORE C. SANT, J.)

(PRASANNA B. VARALE, J.)