

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

WRIT PETITION NO.2405 OF 2022

Smt. Blonsi Lawrence Falcao & Anr. ..Petitioners
Versus
Sub-Divisional Officer, Vasai & Ors. ..Respondents

Mr. S. M. Sabrad a/w Neha Parte & Amey C. Sawant, for the
Petitioners.

Mr. S. D. Rayrikar, AGP for Respondent Nos.1, 3 & 4.

CORAM : NITIN W. SAMBRE, J.

DATE : 11th JULY, 2022

P.C.

1. Heard.

2. In spite of repeated chances given to the counsel
for respondents, none appeared.

3. I am informed that the appeal of the petitioners
being Appeal/Desk/RTS/Revi/407/2021 is pending
adjudication under Section 257 of the Maharashtra Land
Revenue Code. According to counsel for the petitioners,
the issue raised in the appeal is covered by the judgment
and decree in Regular Civil Suit No.195 of 1981 delivered
by the Civil Judge Junior Division, Vasai. According to him,
vide said judgment and decree the ownership of the
respondent was considered and the said claim was
dismissed as against the petitioners. He would urge that

the said judgment is not taken into account while passing the order impugned, as the order impugned lacks any reasons.

4. I have appreciated the said submissions.

5. Upon perusal of the order impugned dated 20th September, 2021, it is noticed that the Additional Commissioner while rejecting the prayer of the petitioners for grant of stay to the order delivered by the Collector has not recorded any reasons whatsoever much less the effect of aforesaid judgment and decree delivered in Regular Civil Suit No.195 of 1981.

6. In this background, it is to be inferred that the order impugned is non-speaking and without considering the material which was placed on record in support of the claim of the Petitioners. That being so, the order impugned dated 20th September 2021 is hereby quashed and set aside. The petition to the aforesaid extent stands allowed.

7. There shall be stay to the judgment and order delivered by the Additional Collector on 5th August, 2021 in Appeal No.72 of 2001 till the disposal of the appeal pending on the file of Additional Commissioner.

[NITIN W. SAMBRE, J.]