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

WRIT PETITION NO. 14662 OF 2022

Shri Vithal Pandurang Bhujbal & Others. ... Petitioners.

Versus

Shri Kushava Vavan Bhujbal & Others. ... Respondents.

Mr. Sanjiv A. Sawant, Advocate a/w. Mr. A. P. Deshmukh i/by Mr. Heramb S. Kadam for the Petitioners.

Mr. Harshad Inamdar, Advocate i/by Mr. Y. B. Dandekar for Respondent Nos. 1 to 3.

Mr. Bhupesh V. Samant, AGP for the State-Respondent No. 4.

**CORAM : R.D. DHANUKA & S.G. DIGE, JJ.
DATE : NOVEMBER 29, 2022.**

P.C. :-

1. By this Petition filed under Article 226 of the Constitution of India, the petitioners seek writ of certiorari for quashing and setting aside the order dated 17th October, 2022 passed by the Additional Commissioner, Pune Division, Pune in RTS Revision No. 288 of 2022 and seek continuation of status - quo order dated 19th July, 2022 passed by the learned Additional Commissioner, Pune Division, Pune in RTS Revision No. 288 of 2022. The Petitioners also seek direction against the

Respondent No.4, the Revenue and Forest Department, to decide the Revision Application of the Petitioners pending before the said authority.

2. It is submitted by the learned counsel for the Petitioners that the Additional Commissioner, Pune Division, Pune had passed the order of status-quo in favour of the Petitioners vide order dated 19th July, 2022. However, on the application made by the respondent nos.1 to 3 on 12th September, 2022, the Additional Commissioner, Pune Division, has vacated the status quo order dated 19th July, 2022 by passing the order dated 17th October, 2022 and placed the revision application filed by the petitioners for hearing on 5th December, 2022.

3. Mr. Inamdar, the learned counsel for the respondent nos. 1 to 3 brought on record the copy of 7 x 12 extract, the mutation entry and submitted that the order dated 17th October, 2022 passed by the authority has been already executed. The main grievance of the petitioners is against the change in mutation entry on 21st October, 2022, recording the names of the respondent nos. 1 to 3.

4. In view of the fact that the revision application itself is slated to be heard on 23rd December, 2022, we direct the respondent nos. 1 to 3 not to act upon in furtherance of the said mutation entry dated 21st October, 2022 during the pendency of the revision application filed by the petitioners.

5. It is made clear that the revisional authority shall decide the matter in accordance with law and without being influenced by the factum of execution of the order dated 17th October, 2022 passed by the Additional Commissioner, Pune Division, Pune. If the Revision Application of the Petitioners is allowed, setting aside the order dated 17th October, 2022 directing the Revenue Authorities to delete the entry in the proposed name of respondent nos. 1 to 3, the order shall not be implemented for a period of three weeks from the date of service of the order.

6. Mr. Sawant, the learned counsel for the petitioners on instructions undertakes to withdraw the Appeal, preferred against the refusal of ad-interim relief in favour of the petitioners.

7. The revisional authority shall make an endeavor to dispose of the revision application filed by the petitioners expeditiously and not later than 31st January, 2023.

8. The writ petition is disposed of in the aforesaid terms.
No order as to costs.

Parties to act on the authenticated copy of this order.

(S. G. DIGE, J.)

(R.D. DHANUKA, J.)

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