

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5209 OF 2022

Mahadev s/o Kashinath Giratkar

-- Petitioner

Vs.

Sub Divisional Officer, Chandur Railway and
others

-- Respondents

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Tejas Deshpande & Mr. Alpesh Deshmukh, Advocates for
Petitioner

Ms. M.A. Barabde, AGP for Respondent Nos.1 to 3

CORAM : MANISH PITALE, J.

DATE : 20th SEPTEMBER, 2022

By this petition, the petitioner has challenged order dated 29/01/2021, passed by the respondent - Sub-Divisional Officer (SDO), whereby interim stay during pendency of the revision before the SDO was vacated.

2. According to the learned counsel appearing for the petitioner, the said order is cryptic and deserves to be set aside.

3. It is significant that the impugned order vacating the stay was passed as far back as on 29/01/2021 and the present petition was filed on 18/07/2022, which has been circulated today i.e. 20/09/2022. It is not even stated in the petition that the petitioner was not aware of the impugned order and that

when the respondent Nos.4 to 14 sought to take advantage of interim stay being vacated that he has rushed to this Court. The only submission made before this Court is that there were no further dates in the matter before the SDO.

4. This Court is not inclined to entertain the present writ petition filed on behalf of the petitioner after almost 1½ years and circulated well beyond that period. It appears that the impugned stay being vacated has not really work to the prejudice of the petitioner at least as on today.

5. In view of the above, the writ petition is dismissed. Nonetheless, it would be in the interest of justice that the respondent - SDO immediately takes up the revision application and decides the same on merits at the earliest.

6. Accordingly, the respondent - SDO is directed to decide the revision application preferred by the petitioner expeditiously and in any case within four weeks from today.

7. The petitioner shall communicate this order to the respondent No.1 – SDO forthwith.

JUDGE