

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.2699 OF 2022**

**MEENA MANIKARAO GUNDALE AND OTHERS
VERSUS
THE DISTRICT COLLECTOR PARBHANI AND OTHERS**

Mr. P. N. Sonpethkar, Advocate for the petitioners
Mr. N. T. Bhagat, AGP for the respondent/State
Mr. R. K. Ashtekar, Advocate h/f Mr. Jain, Advocate for respondent No. 4.

**CORAM : R. M. JOSHI, J.
DATE : 14th FEBRUARY, 2023**

PER COURT :-

1. This petition takes exception to the impugned order in appeal No. 21 of 2020 dated 3rd February, 2022 passed by the Collector, Parbhani whereby the matter was remanded to Deputy Collector, Parbhani for fresh enquiry. However, in the said order direction was given to the Tahasildar to take possession of $\frac{3}{4}$ land excluding share of Prabhakar Rambhau Gundale ($\frac{1}{4}$).

2. Learned counsel for the petitioners submitted that this Court passing order dated 23rd February, 2022 has stayed the operation and execution of the impugned order. He further made statement across the bar that the Deputy Collector is likely to hear the appeal relegated by the Collector, in first week of March, 2023. He further stated that since the said appeal is likely to be heard at the earliest, by continuing the stay to the impugned order to the extent of handing over of possession to Tahasildar, Deputy Collector can be directed to dispose of the said appeal expeditiously.

3. Learned counsel for the contesting respondent/ respondent No.4 has recorded no objection for partial stay of the impugned order as proposed by the learned counsel for the petitioners, in the event the appeal is directed to be decided by the Deputy Collector within stipulated period.

4. It seems that the petitioners were never aggrieved by the order of the Collector of relegating the appeal for the hearing to the Deputy Collector. The grievance of the petitioners was only to the extent of handing over of possession of land to Tahasildar in pursuant to the impugned order. This court by order dated 23rd February, 2022 has granted ad-interim relief in terms of prayer clause 'C'. The impugned order is thereby stayed pending hearing and final disposal of the present petition. Since both contesting parties agreed for issuance of direction to the Deputy Collector to decide appeal expeditiously, present petition can be disposed of by directing to the said authority to decide appeal within three months from the date of communication of this order. Till decision of the said appeal, the impugned order of Collector to the extent of handing over of possession of the land by petitioners shall remain stayed.

5. In above terms, petition stands disposed of.

(R. M. JOSHI, J.)

ssp