

SPChauhan

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5476 OF 2022
WITH
WRIT PETITION NO. 5481 OF 2022
WITH
WRIT PETITION NO. 5485 OF 2022

Deorao Aasaram Warkad Died
As per LRs Harishchandra Deorao Warkad
and another ... Petitioners

Versus

The State of Maharashtra and others ... Respondent

....
Mr. D.P. Palodkar – Advocate for Petitioners
Mr. N.T. Bhagat – AGP for Respondent Nos. 1 to 3
Mr. Y.K. Kakade – Advocate for Respondent No. 5
....

CORAM : GAURI GODSE, J.
DATE : 06th January, 2023

PER COURT :

1. In all these three Writ Petitions order dated 10th May, 2022 passed by Collector Atiyat at Aurangabad in Atiyat Appeal nos. 95, 96, 97 of 2021 is challenged. By the impugned order, the Collector has vacated the order of status quo which was already granted in the said three Appeals. At the time of issuing notice this Court continued the order of status quo which is operative till today.

2. Perusal of the record shows that the petitioner is in possession since the year 1954. It is not disputed that the possession of

the petitioners is protected with respect to their respective lands by way of interim orders. Since the Appeals are pending, it will not be appropriate to vacate the status quo as the same will render the Atiyat Appeals infructuous.

3. Considering the facts and circumstances of the case, I find it appropriate that the Atiyat Appeals be decided within a time bound program and the order of status quo be continued during the pendency of Appeals.

4. Hence, following order is passed :

ORDER

i. The Atiyat Collector at Aurangabad shall decide the Atiyat Appeals nos. 95, 96, 97 of 202, after hearing all the parties within a period of six months from today.

ii. The Appeals shall be decided on its own merits, uninfluenced by the impugned orders and present order and in accordance with law.

iii. Order of status quo which was passed by the Atiyat Collector in Atiyat Appeal nos. 95, 96, 97 of 2021 will continue during the pendency of the Appeals.

iv. All the three Writ Petitions are disposed of in the above terms.

[GAURI GODSE]
JUDGE