

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14088 OF 2023
WITH CA/13721/2023 IN WP/14088/2023

MANDAKINI EKNATHRAO KHADSE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE CHIEF
SECRETARY AND OTHERS

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Mr. A. D. Ostwal, Advocate for Petitioners
Mr. D. R. Kale, Government Pleader for Respondent – State
Mr. V. D. Sapkal, Senior Advocate i/b Mr. S. R. Sapkal, Advocate
for intervenor

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CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.

DATE : 07.11.2023

PER COURT :-

1. This matter was heard for some time.
2. In view of the law laid down in *Godrej Sara Lee Ltd.Vs. The Excise and Taxation Officer-cum-Assessing Authority and others [2023 SCC OnLine SC 95]* and the view taken by this Court at the Principal Seat in *Gaurav Ganesh Daga and others Vs. Maharashtra Public Service Commission - 2022(3) Mh.L.J. 770*, we expressed our disinclination.

3. The learned Advocate for the Petitioner sought a pass over and has taken instructions that the Petitioner would approach the Sub Divisional Officer - Respondent No.5 under Schedule-E of Section 247 of the Maharashtra Land Revenue Code. He makes a humble request that the Sub Divisional officer be directed to decide his proceedings within fifteen [15] days. The learned Advocate for the petitioner submits that the Appeal would be filed on Friday, 10.11.2023.

4. The learned Government Pleader strenuously opposed the request for the time frame and prayed that the Sub Divisional Officer would be able to decide the proceedings by end of December 2023.

5. In view of the above, **this Petition is disposed off** with liberty to the Petitioner to prefer the proceedings before the Respondent No.5.

6. We direct Respondent No.5 to follow the due procedure laid down in law and by granting a reasonable opportunity of hearing to all the stake holders, and pass a reasoned order on or before 05.12.2023.

7. All contentions of the litigating parties are kept open.

8. In view of the above, **pending Civil Application stands disposed off.**

9. We expect, all the litigating parties / stake holders to refrain from seeking adjournments and cooperate with the authority for the expeditious decision within the timeline set out by us.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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