

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9323 OF 2023

Vijay Ganpati Patil

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Rahul Deodhar i/b Mr. Suresh M. Kamble, for the Petitioner.

Mr. Rajan S. Pawar, AGP for State.

**CORAM : G. S. KULKARNI &
JITENDRA JAIN, JJ.**

DATE : 2 AUGUST 2023

P.C.:-

1. We have heard learned counsel for the petitioner and learned AGP for the respondents. Although there are substantive prayers (a) & (b), we are of the opinion, that this petition can be conveniently disposed of considering the alternate prayer which reads thus:

“c. In the alternative this Hon’ble Court be pleased to pass order directing the Additional Commissioner, Pune Division, Pune to decide the Appeal filed by the Petitioner within a specific period of time and pending the hearing of the Appeal the Respondents be directed to maintain status quo in respect of the lands of the Petitioner described in prayer clause (a) and (b) above.”

2. The petitioner has already applied to the Additional Commissioner, Pune for deletion of land in question in Gat No. 73 admeasuring 01 H 22

Ares, Gat No. 98 admeasuring 72 Ares and Gat No. 81/9 admeasuring 21 Ares.

3. The petitioner has averred in para 7 of the petition, that the petitioner being aggrieved has filed an appeal before the Additional Commissioner, Pune Division, Pune praying for deletion of the said land from the process of acquisition. Petitioner has also filed an application for stay in the said appeal whereby, the petitioner has prayed for stay on the possession of the land being taken over or allotting the same to any third party.

4. Considering the facts and circumstances of the case and that the petitioner is in possession of the said lands which are subject matter of acquisition, we are of the opinion, that the petition can be disposed of directing the Additional Commissioner, Pune Division, Pune to decide the petitioner's stay application as expeditiously as possible and in any event within a period of four weeks from today.

5. Till the said application is decided and orders passed thereon, the respondents are directed to maintain status quo and/or not allot the lands in question to any third party. Ordered accordingly.

6. All contentions of the parties in the proceedings before the Additional Commissioner are expressly kept open.

7. Disposed of in the above terms. No cots.

(JITENDRA JAIN, J.)

(G. S. KULKARNI, J.)