

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2508 OF 2023

Zuzer Mohammed Hussein Bahrainwala
and Ors.

...Petitioners

Versus

The Sub Divisional Officer, Pune and Ors.

...Respondents

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Mr.Buavik Lallan a/w. Ms.Malaika Castellino i/b. M/s.FZB &
Associates, Advocate for the Petitioners.

Mr.A.I. Patel a/w. Ms.Kavita N. Solunke, AGP for State – Respondent
Nos.1 to 3.

Mr.Madhusudan barge, Tahsildar, Maval, District – Pune, present.

Mr.Jadhav Hanumant Anandrao, Range Forest Officer, Vadgaon Maval,
District – Pune, present.

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**CORAM : K. R. SHRIRAM &
RAJESH S. PATIL, JJ.**

DATED : 10th MARCH 2023

P.C.:

Respondent Nos.1, 2 and 3 are present in Court. One
Sandesh Ravindra Shirke has filed affidavit as Sub-Divisional Officer
(SDO)–Respondent No.1 and one Madhusudhan Shivaji Barge,
Tahasildar has filed an affidavit for Respondent No.3. Both are
affirmed on 10th March 2023.

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2 Mr.Patel, on instructions, states that the Court may fix such time as the Court deems fit to decide the Interim Application as referred to in prayer (a) and Respondent No.1 Sandesh Ravindra Shirke, will dispose the Applications. At the same time, Mr. Patel was unable to explain, as to why for eight months the said Sandesh Ravindra Shirke did not dispose the Applications. Mr.Patel simply states that Sandesh Ravindra Shirke is holding charge of more than one office plus he was busy with some electoral duties. That certainly is not an acceptable excuse because if the said Sandesh Ravindra Shirke was unable to do his duties, he should have gone to his superiors to relieve him of some of the duties. Thus, not disposing the Interim Applications is the only reason due to which Petitioner had to incur legal costs and move this Court and thereby also adding to the already overburdened docket of the Court.

3 Be that as it may be, we dispose the Petition with following directions:

- (a) All Interim Applications referred to in prayer Clause (a) will be heard by the Residential Deputy Collector, Pune, Collector Office, Pune, within four weeks from the date this order is uploaded;

- (b) Before disposing, the Residential Deputy Collector shall give a personal hearing to Petitioner, notice whereof shall be communicated at least 5 working days in advance;
- (c) The order passed shall be a reasoned order dealing with every submission that Petitioner has made in the Applications/will be making during the personal hearing;

4 Petition disposed.

5 We clarify that we have not made any observations on the merits of the matter.

6 Mr.Patel states that the prayer in the Petition was only against the Sub-Divisional Officer (Respondent No.1) and not against the Range Forest Officer (Respondent No.2) or the Tahashildar (Respondent No.3). Mr.Patel states that therefore the Court should ask Petitioner's advocate to return the cheque given by Respondent No.2 and Respondent No.3. Mr.Lallan states that it is not a problem and they shall return the cheque today itself.

(RAJESH S. PATIL, J.)

(K. R. SHRIRAM, J.)