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

WRIT PETITION NO.6435 OF 2023

Shri. Shrirang Nivrutti Devkate ...Petitioners
& Ors.

V/s.

The Additional Collector, Pune & Ors. ...Respondents

Mr. Viraj Hake for Petitioners.

Mr. C.D. Mali, AGP for Respondent Nos. 1 to 4 and
31 -State.

Ms. Neha Ramesh Kokare for Respondent Nos. 5,
6(a) to (c) and 14 to 16,

CORAM: MADHAV J. JAMDAR, J.
DATE: 6th November 2023

P.C.:

- 1.** Heard Mr. Viraj Hake, learned counsel appearing for the Petitioners, Ms. Neha Kokare, learned Counsel appearing for the Respondent Nos. 5, 6(a) to (c) and 14 to 16 and Mr. C.D. Mali, learned AGP for Respondent Nos. 1 to 4 and 31-State.
- 2.** The impugned order in the present Writ Petition is dated 17th May 2023 passed by the Additional Collector, Pune, by which stay application filed in RTS Appeal No. 514 of 2023 has been rejected.

3. The present petition challenging the said order dated 17th May 2023 has been filed on 22nd May 2023 and a learned Single Judge (Vacation Court) by order dated 23rd May 2023 has stayed implementation of the order dated 27th March 2023 passed by the Sub Divisional Officer, Baramati and order dated 15th April 2021 passed by learned Tahsildar, Baramati and also stayed notice of taking possession passed by the Circle Officer, Malegaon on 2nd May 2023. Thus, in effect, the orders, which are impugned in said RTS Appeal No. 514 of 2023 before the Additional Collector, Pune are stayed and the said stay is operating till date i.e. for last about six months.

4. The dispute in the present petition is concerning right of way. Accordingly, in the interest of justice, it is necessary that said RTS Appeal No. 514 of 2023 pending before the Additional Collector, Pune is disposed of in time bound manner and till the disposal of said RTS Appeal, stay granted by the learned Single Judge on 23rd May 2023 is required to be continued.

5. Accordingly, the following order is passed:

O R D E R

(I) The learned Additional Collector, Pune is requested to dispose of RTS Appeal No. 514 of 2023 expeditiously and in any event by 31st January, 2024.

(II) Till disposal of said RTS Appeal No. 514 of 2023, stay granted by a learned Single Judge by order dated 23rd May 2023 in Writ Petition No.6435 of 2023 shall remain in operation.

6. The Writ Petition is disposed of in above terms with no order as to costs.

7. It is clarified that this Court has not considered the merits of the case and all the contentions on merits are expressly kept open.

(MADHAV J. JAMDAR, J.)