

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

WRIT PETITION NO. 8009 OF 2023

Tapabai Chindha Shiledar
(Since deceased through legal heirs) And Ors. ...Petitioners
Versus
The State Of Maharashtra And Ors. ...Respondents

Mr. Sachin Gite for the Petitioners.
Ms. M.S. Srivasatava, AGP for the State.

CORAM: N. R. BORKAR, J
DATED: 24 JULY, 2023

PC:-

1. The petitioners have filed an appeal before the Additional Commissioner, Nashik Division, Nashik against the order dated 12 August 2022, passed by the Additional Collector, Malegaon by which the learned Additional Collector had recalled the order dated 24 May 2011. By the impugned order dated 12 October 2022, the learned Additional Commissioner, Nashik Division, Nashik rejected the application filed by the petitioners to stay the order passed by the Additional Collector.

2. The learned Additional Commissioner while rejecting the application has ignored the fact that by the order impugned in the appeal, the learned Additional Collector had recalled the order which was in existence for 11 years. The impugned order is thus set aside. The order passed by the Additional Collector dated 12

August 2022 shall remain stayed during the pendency of the Appeal before the learned Additional Commissioner.

3. The Writ Petition is disposed of in the above terms.

(N. R. BORKAR, J.)