

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15204 OF 2022

Pramod Chandrakant Khode

... Petitioner

Versus

Dattu Nagu Khode & Ors.

...Respondents

Mr. Sanjiv Sawant a/w. Mr. Samir M. Suryawanshi for the petitioner.

Mr. Sachin Gite for respondent nos. 1, 2(1) to 2(3).

Mr. V.S. Gokhale, 'B' Panel counsel for the State/respondent no. 3.

CORAM: G. S. KULKARNI, J.

DATED: 16 February, 2023

P.C.

1. Admittedly RTS Appeal No. 220 of 2022 as preferred by the appellant is pending before the Additional Collector, Nashik. On such appeal, the Additional Collector had passed an order on 19 July, 2022 granting interim protection to the petitioner by directing that the order dated 12 July, 2022 passed by the Sub-Divisional Officer, Nashik in RTS Appeal No. 64 of 2021 be not acted upon.
2. The grievance of Mr. Sawant, learned counsel for the petitioner is that although the appeal was adjourned for hearing, the interim protection, which was granted was not continued, as demonstrated by referring to the roznama.
3. It appears that the Additional Collector has thought it appropriate neither to expressly vacate the interim order passed on 19 July, 2022 nor has passed any order vacating the said order. It is in this situation of uncertainty, the petitioner

was required to file the present petition. However, it appears that in the intervening period, taking advantage of the fact that the protection granted by the Additional Collector has not been extended, the private respondents took further steps and the names of the private respondents are now mutated. It is in this backdrop the proceedings are before the Court today.

4. Considering the aforesaid circumstances, in my opinion, it is appropriate that the Additional Collector, Nashik decides the petitioner's RTS Appeal No. 220 of 2022 as expeditiously as possible. However, till the appeal is decided, in the peculiar facts of the case, if any steps are taken by the private respondents, which concerns the mutation effected giving effect to the order passed by the Sub-Divisional Officer in RTS Appeal No. 64 of 2021 dated 12 July, 2022 shall be subject to the further orders that shall be passed by the Additional Collector in the petitioner's Appeal. Ordered accordingly.

5. All contentions of the parties on the pending Appeal are expressly kept open.

6. It is informed by learned counsel for respondent nos. 1, 2(1) and 2(3) that hearing of the appeal is now placed before the Additional Collector on 23 February, 2023.

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

G. S. KULKARNI, J