

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2790 OF 2023**

Kondiram Appa Atole and Ors. ... Petitioners
versus
Bapurao Nanaso Atole and Ors. ... Respondents

Mr. Sumit Chavan with Mr. Sushant S. Prabhune for Petitioners.
Mr. S.D.Rayrikar, AGP for Respondent No.5.

CORAM: N.J.JAMADAR, J.

DATE : 6 APRIL 2023

P.C.

1. Heard the learned Counsel for the Petitioners.
2. The challenge in this Petition is to an order dated 28 January 2022 passed by the Additional Divisional Commissioner, Pune, in Revision Application, whereby the prayer for grant of stay to the order passed by the Additional Collector in Appeal No.1215 of 2018 dismissing the appeal preferred by the Petitioners came to be rejected.
3. The learned Counsel for the Petitioners submits that the Sub-Divisional Officer had allowed the Appeal preferred by the Respondents against Mutation Entry Nos.5721 and 6555 by a judgment and order dated 19 November 2019 without condoning the huge delay of about 29 years. The appeal preferred thereagainst was dismissed by the Additional Collector by an order dated 29 October 2021. In the Revision, the Petitioners have taken out an application for stay, which came to be

rejected by the impugned Order dated 28 January 2022.

4. Evidently, the stay was not in operation in the proceedings before the Additional Collector. The impugned order has been passed on 28 January 2022. It would, therefore, be in the fitness of things that the Revision Application being RTS Revision No.20 of 2022 itself is decided expeditiously by the Additional Divisional Commissioner, Pune.

5. Hence, the Petition stands disposed with a direction to the Additional Divisional Commissioner, Pune, to decide Revision No.20 of 2022 as expeditiously as possible and preferably within a period of three months from the date scheduled for the appearance of the parties.

6. The parties shall appear before the Additional Divisional Commissioner on 2 May 2023.

7. The Petitioners shall communicate a copy of this order to the Respondents by Registered Post A.D.

8. The Writ Petition stands disposed.

(N.J.JAMADAR, J.)