

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No. 3310 of 2018

Ajay Satyanarayan Agrawal

Vs.

Deosingh Ainathsingh Chauhan (Rajput and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. O.A. Ghare, counsel for the Petitioner

Mr. D.P. Thakre, Addl.G.P. for Respondent No.2.

CORAM : ANIL S. KILOR, J.

DATED : 06.01.2023.

P.C.

Heard.

2. The order challenge in the present writ petition is refusal to grant stay to the proceedings pending before respondent No.2-Tahsildar Umarkhed, District Yavatmal in Revenue Case No.1/TNC-29/2017-18.

3. The learned counsel for the petitioner points out that respondent No.1 moved an application for fixing the price of the land which he was cultivating as a tenant. The said application was moved by the

tenant on 29/11/2012 before respondent No.2-Tahsildar, which came to be dismissed for want of prosecution on 28/01/2014. It is submitted that despite the fact that the tenant did not file any appeal against the order dated 28/01/2014 and the order of dismissal had attained finality, another application came to be filed for the same relief on 17/06/2017 and therefore, an objection was raised to the said application with the prayer to stay the proceeding, which was refused by respondent No.2-Tahsildar vide impugned order dated 06/06/2018. Therefore, he submits that the refusal to grant stay is erroneous.

4. On the other hand, learned Additional Government Pleader Mr. D. P. Thakare for respondent No.2, supports the impugned order and prays for dismissal of the present petition.

5. After going through the documents filed along with the present petition and the impugned order, it is evident that there is no order passed adverse to the interest of the petitioner. Filing of the application for fixation of price of land cannot be said to be adverse to the interest of the petitioner, unless it is decided against the petitioner after determining the rights of the parties. Thus, in the absence of any adverse order to the interest

and rights of the petitioner, filing of present petition is nothing but an abuse of process of law. The petitioner is having every right to contest the application and get it decided according to law.

6. However, in any case, refusal of stay of proceeding in the above circumstances cannot be termed as order passed adverse to the interest of the petitioner. Accordingly, the writ petition is dismissed. No order as to costs.

[ANIL S. KILOR, J.]