



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

944 WRIT PETITION NO. 3880 OF 2023

Raosaheb Namdeo Petkar And Others

VERSUS

**The State Of Maharashtra Through Revenue And Forest
Department And Others**

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Advocate for the Petitioner : Mr. S.S. Kulkarni

AGP for Respondents 1-4 : Mr. A V Lavte

Advocate for Respondent 5 : Mr. R.R. Karpe

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : June 14, 2024

PER COURT :-

1. The petitioners takes exception to the order dated 24.3.2023 passed by the Sub Divisional Officer, Shirdi – Respondent No.3 declining to entertain the application seeking stay to the order dated 12.8.2022 passed by the Tahsildar, Rahata.

2. Apparently, writ petition is filed against ad-interim order. This Court, while issuing notice in this writ petition recorded submissions advanced by the learned advocate for the petitioners and directed that the impugned order dated 12.8.2022 passed by the Tahsildar, Rahata in RTS No.1616 of 2022 would remain stayed till the next date. Operation of said interim protection granted to the petitioners is continued from time to time.

3. In this background, it is submitted on behalf of the petitioners that proceedings pending before the Sub Divisional

Officer in RTS No.395 of 2022 can be expedited and interim stay to the order dated 12.8.2022 passed by the Tahsildar may be continued. In peculiar facts of the case, it would appropriate to direct the Sub-Divisional Officer, Shirdi to decide the pending proceeding within a period of six months from the date of this order since the interim relief granted by this Court is in operation for more than 15 months. Without going into merits of the matter and by way of adhoc arrangement stay to operation of order dated 12.8.2022 passed by the Tahsildar can be continued till disposal of the appeal pending before the Sub-Divisional Officer. It is clarified here that this Court has not deliberated on merits of the matter. Therefore, granting or continuation of the interim relief in favour of the petitioners cannot be construed adverse in any manner to the rights of the respondents. Hence, following order.

O r d e r

- i. Writ petition is disposed off with directions to Respondent no.3 Sub Divisional Officer, Shirdi to decide the pending R.T.S. Appeal No.395 of 2022 within a period of six (6) months from the date of this order.
- ii. Parties shall co-operate for early disposal of the proceeding.
- iii. Impugned order dated 12.8.2022 passed by the Tahsildar, Rahata in RTS No.1616 of 2021 shall remain stayed till disposal of the appeal.

(S. G. CHAPALGAONKAR)
JUDGE

aaa/-

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