

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3650 OF 2024

Shankar Dashrath Chavan & Anr

...Petitioners

Versus

Rahul Shashikant Vanarase & Ors

...Respondents

Mr. Chaitanya Nikte, a/w Esha Malik, i/b Prajit Sahane,
Advocates for the Petitioners.

Mr. Anshul Anjarlekar, i/b Raval Shah & Co., Advocate for
Respondent No.1.

Mr. A.I. Patel, Addl.GP., a/w Tanaya Goswami, AGP, for State-
Respondent Nos.23 to 26.

CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.

DATE : MARCH 20, 2024

PC :

1. By the present Writ Petition, the Petitioners challenge the purported order passed by the learned Divisional Commissioner, Pune dated 4th March, 2024 (wrongly mentioned in the prayer clause as 4th March, 2023) in RTS Revision Application No.105 of 2024. Pending the hearing and final disposal of the above Petition, what is sought is a stay to the effect and implementation of the order dated 15th December, 2023 (wrongly mentioned as 15th January, 2023) passed by the Additional

District Collector, Pune in RTS Appeal No.2/A/1159/2022.

2. The learned Counsel appearing on behalf of the Petitioner fairly stated that despite these reliefs, what he only seeks is that the Divisional Commissioner decides RTS Revision Application No.105 of 2024 or the Stay Application preferred therein, as expeditiously as possible, and in the meanwhile, the effect and implementation of the order of the Additional District Collector dated 15th December, 2023 be stayed. He submitted that these reliefs are sought in the peculiar facts and circumstances of the present case because when the hearing was fixed on 4th March, 2024, the same was cancelled by the Divisional Commissioner because of election commitments / duties. He submitted that the next date now given is 3rd June, 2024.

3. The learned Counsel appearing on behalf of Respondent No.1 fairly submitted that since the Divisional Commissioner is not in a position to hear the RTS Revision Application filed by the Petitioner, or even the Stay Application, without prejudice to the rights and contentions of the 1st Respondent, a stay can be granted. He, however, submitted that this stay should be only in relation to the mutation entries and should not be construed to mean that the Petitioners are in a

possession of Gat No.522, and which is disputed by the 1st Respondent.

4. Considering the stand taken by the parties, we dispose of the above Writ Petition by directing the Divisional Commissioner, Pune Division, Pune, to decide the Stay Application filed by the Petitioner in RTS Revision Application No.105 of 2024 on or before 11th June, 2024. In the meanwhile and until the said date, the order passed by the Additional District Collector dated 15th December, 2023 in RTS Appeal No.2/A/1159/2022 shall not be given effect to.

5. We make it clear that this order is passed without prejudice to the rights and contentions of the parties, and is not an expression on merits either in relation to the mutation entries or in relation to possession.

6. It is needless to clarify that if either party is aggrieved by any action taken by the opposite party regarding possession, they are free to adopt appropriate proceedings in that regard.

7. The Writ Petition is accordingly disposed of. However, there shall be no order as to costs.

8. This order will be digitally signed by the Private Secretary/
Personal Assistant of this Court. All concerned will act on production by
fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]