

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11103 OF 2024

Naresh Totlani & Anr.

.. Petitioners

Versus

State of Maharashtra & Ors.

.. Respondents

Ms.Minal Chandnani, Advocate for the Petitioner.

S.S.Bhende, AGP for State/Respondent.

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CORAM :B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.
DATE : AUGUST 06, 2024

P. C.

1. In the above Writ Petition, the Petitioner seeks the following reliefs:-

- “(a) That this Hon’ble Court may allow the present Writ Petition;*
- (b) That this Hon’ble Court be pleased to issue Writ of Mandamus or any other appropriate Writ directing Respondent No.2 to hear and decide the Revision Application pending on the file of Respondent No.2 as expeditiously as possible;*
- (c) That this Hon’ble Court may be pleased to issue Writ of Mandamus or any other writ thereby calling for the records and proceedings pertaining to Application no.58 of 2019 and after verifying the legality and validity of the same be pleased to quash and set aside the order dated 9th June, 2023 passed by Respondent no.3 in Application no.58 of 2019;*

- (d) *That this Hon'ble Court may be pleased to issue Writ of Certorari or any other writ thereby calling for the records and proceedings pertaining to Execution Application no.20 of 2023 and after verifying the legality and validity of the same be pleased to quash and set aside the order dated 9th February, 2024 passed by Respondent no.3 in Execution Application no.20 of 2023;"*

2. Despite the aforesaid reliefs, the only relief pressed before us is that the possession warrant has been issued only on 29th July 2024, and the Petitioner has also filed a stay application before the Revisional Authority, namely Respondent No.2 and which has not been heard. In these circumstances, the Petitioner has moved this Court seeking a stay of the possession warrant.

3. Since this is the limited relief sought in the above Writ Petition, we dispose of the Writ Petition by directing that the 2nd Respondent shall hear the stay application of the Petitioner as expeditiously as possible and in any event within a period of 2 weeks from today.

4. In the meanwhile, the possession warrant, till the decision is rendered in the stay application, shall remain stayed.

5. We may hasten to add that we have not gone into the merits of the matter, and the stay application filed by the Petitioner herein shall be decided by the Revisional Authority on its own merits and in accordance with law.

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

7. 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.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]