

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 12859 OF 2024

Shankar Tamma Jadhav Petitioner

Versus

State of Maharashtra and Ors. Respondents

Adv. Suryajeet P. Chavan, for the Petitioner.

Adv. R. S. Pawar, AGP, for Respondent No.1 – State.

CORAM : R. M. JOSHI, J.

DATE : 20th SEPTEMBER, 2024.

P.C. :

1. Heard.
2. Learned counsel for the Petitioner submits that the Petitioner's name appears in the 7/12 extract in respect of the subject property and in spite of the fact that a Suit was filed by the Petitioner against the contesting Respondents, they are not made party in the RTS Appeal No.1143 of 2023. He has also drawn attention of this Court to the order passed in Writ Petition No.10475 of 2024 dated 30th July, 2024, wherein this Court by taking cognizance of the fact

that the delay has been condoned by passing one line order has stayed the said proceedings. However, the order impugned came to be passed on 29/07/2024 itself by Sub-Divisional Officer, Maval, Mulshi, Pune and as such order of this Court became ineffective. Learned counsel for the Petitioner therefore makes grievance that without hearing the Petitioner the order came to be passed.

3. Learned AGP has pointed out of this Court that Tenancy Appeal/alternate remedy has been provided against the impugned order. Learned counsel for the Petitioner has responded thereto by stating that since the Petitioner was not a party to the said proceedings, it may not be open for the Petitioner to avail the said remedy. Having regard to the above facts, arguable case is made out by the Petitioner. Needless to say that issue of maintainability of petition is kept specifically open.

4. Hence, issue notice to the Respondents, returnable on 24th October, 2024.

5. Till next date of hearing, there shall be stay to the impugned order dated 29th July, 2024 passed by S.D.O. Maval, Mulshi, Pune.

(R. M. JOSHI, J.)