

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.13143 OF 2024

Anant Shantaram Patil and Ors.	.. Petitioners
Vs.	
The State of Maharashtra, Through Ministry of Revenue and Forest and Ors.	.. Respondents

Mr. Sarthak Diwan, Advocate for the Petitioners.

Mr. Jay Sanklecha, 'B' Panel Counsel for the Respondent-State of Maharashtra.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 27TH SEPTEMBER 2024

PC. :

1. Heard.
2. The petitioners being aggrieved by the order dated 16th February 2024 passed by the Sub-Divisional Officer, Vasai condoning the delay in the proceedings initiated by the respondent no.5, preferred an appeal before the Additional Collector, Palghar. On 7th March 2024 the Additional Collector, Palghar passed an ad-interim order staying the effect and operation of the order passed by the Sub-Divisional Officer. In view of the grievance raised by the respondent no.5 before the Divisional Commissioner, the Additional Collector did not further entertain the appeal and the matter was kept pending. In view of the fact that the ad-interim order of stay was not continued and the appeal was not being considered, the petitioners have approached this Court.

3. The learned Assistant Government Pleader, on instructions, submits that on 25th September 2024, the Additional Commissioner (Revenue), Konkan Division has transferred Appeal No.26 of 2024 to the Additional Collector, Mumbai City. On instructions, he further submits that the stay application preferred by the petitioners would be considered in the second week of October 2024.

4. In view of the aforesaid, the writ petition can be disposed of by issuing the following directions :-

- (a) The Additional Collector, Mumbai City shall consider the stay application filed in Appeal No.26 of 2024 within a period of four weeks from today. The stay application shall be considered on its own merits and after hearing respondent no.5.
- (b) Till the stay application is decided, the earlier order dated 7th March 2024 passed by the Additional Collector, Palghar shall continue to operate. This direction however is without prejudice to the rights and contentions of the respective parties.
- (c) Appeal No.26 of 2024 shall be decided on its own merits and in accordance with law.

5. The writ petition is disposed of in the above terms. Parties to act on authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]