



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2387 OF 2024

Rohitraj Bhagchand Bajaj and others .Vs. Rahul Suresh Santani and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Adarsh Baheti, Advocate for petitioners.

Ms Gauri Venkatraman, Advocate for respondent No.1.

Shri Sangeeta Jachak, Addl.G.P. for respondent Nos.2 to 6/State.

CORAM : ANIL S. KILOR, J.

DATED : 08/05/2024

1. This writ petition takes exception to the order dated 13.03.2024, passed by the Hon'ble Minister granting stay to the order passed by the Additional Commissioner dated 13.03.2024 and the order dated 25.01.2024 passed by the Additional Collector.

2. The Tahsildar while passing the order dated 19.06.2023 on the application preferred by the respondent No.1 to provide approach way to his land since his land is a 'land locked plot', allowed the said application, relying upon Regulation 3.3.14 relating to 'land locked plot'.

3. The said order was carried in appeal before the Sub-Divisional Officer who dismissed the appeal vide order dated 28.12.2023.

4. The petitioner thereupon, filed another appeal before the Additional Collector who set aside both the orders i.e. the order passed by the Tahsildar dated 19.06.2023 and the order passed by the Sub-Divisional Officer dated 28.12.2023. The Additional Collector further directed the parties to maintain status quo.

5. The order of the Additional Collector was the subject matter of challenge before this Court in a writ petition namely Writ Petition No.916 of 2024 at the instance of petitioners, wherein, this Court stayed the order to the extent directing the parties to maintain status quo. However, as far as the remand is concerned, that part of the order was not stayed by this Court.

6. Thereafter, the respondents approached to the Additional Commissioner raising a challenge to the order of the Additional Collector. The Additional Commissioner thereupon, stayed the implementation of the order of the Additional Collector dated 25.01.2024.

7. Subsequently, on next date, the Additional Commissioner on pointing out the order dated 07.02.2024 passed by this Court in Writ petition No.916/2024 vacated the stay and kept the matter pending for decision in view of

the pendency of the writ petition, vide order dated 13.03.2024.

8. The respondents thereafter approached to the Hon'ble Minister on the same day i.e. on 13.03.2024 by way of filing a revision application and the Hon'ble Minister passed the impugned order dated 13.03.2024 granting stay to the order of the Additional Commissioner as well as the order passed by the Additional Collector. Hence, this petition.

9. The matter was heard at length and during the course of hearing, both the parties have arrived at an agreement to pursue the matter before the Additional Commissioner and not to press the matter before the Hon'ble Minister.

In that view of the matter, the respondent has filed a pursis dated 08.05.2024, stating therein that, he will not press the proceeding before the Hon'ble Minister and would withdraw the same.

10. In the circumstances, as the proceeding is pending before the Additional Commissioner and the Additional Commissioner appears to have misinterpreted the order of this Court dated 07.02.2024 in a way there is a

stay to the proceeding before him, I am of the opinion that, the purpose would be served if the Additional Commissioner is directed to decide the revision application pending before him within one month from the date of appearance of the parties. In the circumstances, the writ petition is **disposed of** on the following terms :

12. The petitioner and the respondent No.1 are directed to remain present before the Additional Commissioner on **15.05.2024** at 12.00 noon. Thereupon, the Additional Commissioner shall decide the revision application at the earliest and in any case, within **one month** from the date of appearance of the parties, after hearing of both the parties.

JUDGE