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24-WP-4656-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

24 WRIT PETITION NO. 4656 OF 2025

Santosh Prakash Jogdand
VERSUS
Latabai Namdev Nagve And Others

...

Mr. Pushkar S. Shendurnikar, Advocate for the Petitioner.
Mr. P. D. Patil, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.
DATE : 25th APRIL 2025

PC :-

1. Learned Advocate for the petitioner files his service affidavit showing that the Respondent No.1 is served. Thus, the postal acknowledgment report shows that the Respondent No.1 is served on 5th April 2025. In spite of this, none appears for the Respondent No.1.
2. Heard the learned Advocate for the Petitioner and learned AGP for Respondent -State.
3. At the outset, the learned Advocate for the petitioner seeks leave to correct the number of earlier writ petition in the memo of the petition. Leave granted as prayed for.

4. The grievance of the petitioner is only that the learned Commissioner has refused to decide the appeal since the Writ Petition No.3590 of 2024 filed by respondent is pending. In the said writ petition, the challenge is only to an order rejecting the stay application filed by the Respondent No.1 before the learned Commissioner. There is also already interim stay granted to the judgment and order passed by the learned Collector. From the order dated 4th April 2024 passed in WP/3590/2024, it is seen that the purpose of the applicant was only to get stay to the order passed by the learned Collector till substantive appeal is heard by the learned Commissioner. There is nothing in the order showing that the proceeding before the learned Commissioner is stayed by this Court.

5. This Court, therefore, makes it clear that, there is no impediment in deciding the substantive appeal pending before the learned Commissioner, Chh. Sambhajinagar. The Commissioner is free to decide the Appeal No.2024/Grampanchayat/Appeal-1/Pra. Kra.40 Dist. Jalna.

6. The learned Commissioner to pronounce the judgment as early as possible and preferably within three weeks from today.

7. The learned AGP to communicate the order.
8. With this, writ petition stands disposed off.

[KISHORE C. SANT, J.]