

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5317 OF 2024

Aditya Yogesh Dhamdhare

...Petitioner

V/s.

Sanjit Rajendra Gugale and Ors.

...Respondents

Mr. Vivek V. Salunke *for the Petitioner.*

Ms. Shruti Tulpule *for Respondent Nos.1 and 2.*

Mrs. M.S. Bane, *AGP for Respondent Nos.3 to 6-State.*

CORAM: SANDEEP V. MARNE, J.

Dated: 16 April 2025.

P.C.:

1) Petition challenges order dated 1 March 2024 passed by the Sub Divisional Officer, Pune, (**SDO**) partly allowing the appeal.

2) It appears that the SDO proceeded to decide the appeal ignoring the stay order granted by this Court on 17 October 2022 in Writ Petition No.10471 of 2022. When this Court noticed breach of order dated 17 October 2022 on the part of the SDO, following order was passed on 10 April 2024:-

1. The petitioner has brought to my notice prima facie serious lapse on the part of the Sub-Divisional Officer in passing an order on merits despite proceedings before the Officer was stayed by this Court in Writ Petition No.10471 of 2022. The

roznama dated 21 December 2022 indicates that the petitioner brought to the notice of the Sub-Divisional Officer order passed by this Court. However, the Sub-Divisional Officer proceed to decide the appeal on merits.

2. Hence, issue notice to the respondents, including Sub-Division Officer, returnable on 18 June 2024.

3. Before the next date, the Sub-Divisional Officer, i.e., Sneha Kisve - Devkate shall file her personal affidavit as to why the order passed by this Court in Writ Petition No.10471 of 2022 staying the proceedings was not complied with.

4. Since the order passed by the Sub-Divisional Officer is in breach of order passed by this Court, there shall be ad-interim relief in terms of prayer clause (b) till 18 June 2024.

3) After passing of order dated 10 April 2024 the SDO has passed fresh order dated 11 September 2024 withdrawing the order dated 1 March 2024. Thus, the impugned order dated 1 March 2024 no longer survives on account of subsequent order dated 11 September 2024. The SDO has also filed a personal affidavit dated 21 August 2024 tendering unconditional apology for having passed order dated 1 March 2024 by ignoring the said order passed in Writ Petition No.10471 of 2024. The apology tendered by the SDO is accepted.

4) Since the impugned order dated 1 March 2024 no longer survives, nothing remains to be adjudicated in the present Petition.

5) Writ Petition is accordingly disposed of.

[SANDEEP V. MARNE, J.]