



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO.2967 OF 2026

Ashok Dadaba Garad Through GPA Ashok Dada Garad And
Others

VERSUS

The State Of Maharashtra Through The Collector

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Advocate for Petitioner : Mr. Sanket S. Kulkarni

AGP for Respondents : Mrs R.R. Tandale

Advocate for Respondent 3 : Mr. N K. Chaudhari

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 24, 2026

ORDER :-

1. Present writ petition takes exception to the order dated 16.2.2026 passed by the Sub Divisional Officer, Ahilyanagar in RTS Tenancy Appeal No.630 of 2025 whereby the learned S.D.O. was pleased to stay the judgment and order dated 28.11.2025 passed by the Tahsildar, Nevasa in Tenancy case no.2 of 2025.

2. The petitioners filed proceedings under section 32, 67, 68, 69, 70, 71, 72 and 84 of the Bombay Tenancy and Agricultural Lands Act, 1948 (for short Act of 1948) for declaration of right of Tenancy and issuance of the certificate. The learned Tahsildar (A&T) decided the application vide

order dated 28.11.2025 and declared such rights in favour of petitioner in respect of the agricultural land in gat no.225. The Tahsildar has also fixed price of land under section 32-G of the Act of 1948 and directed him to deposit the amount with Treasury. Thereafter, certificate u/s. 32-M of the Act has been issued on 13.02.2026.

3. The respondents no.3 to 6 filed appeal assailing order of Tahsildar before the S.D.O. at Ahilyanagar in RTS Tenancy Appeal No.630 of 2025. The application for stay was heard on 11.2.2026 and it was reserved for order. At this stage, without waiting for decision on stay application, learned Tahsildar/A&T issued certificate dated 13.2.2026 under section 32 M in favour of the petitioner. It appears that impugned order has been passed on 16.2.2026 thereby granting stay to the order.

4. Mr. Kulkarni, learned advocate appearing for petitioners submits that impugned order is passed without granting opportunity of hearing to petitioners. Secondly, it sans requisite reasons. Mr. Kulkarni, would submit that now certificate under section 32-M is already issued in favour of the petitioners. Therefore, great prejudice would be caused to the their rights.

5. It is apparent that only petitioner no.1 had filed application before A&T for issuance of certificate under section 32-M of the Act. It was allowed. When respondent nos. 3 to 6 filed appeal, notice of appeal alongwith application for stay was served upon petitioner no.1 and he was heard by the S.D.O. So far as petitioner nos.2 to 11 are concerned, they were respondents in original proceeding. However, they did not appear before S.D.O. and obtained certificate under section 32-M on the basis of impugned order.

6. It is trite that when substantive appeal is filed against the order passed by the A&T, it is expected that order impugned is not executed as long as application for stay is pending before the appellate authority. In present case, learned Tahsildar without waiting for orders of appellate authority proceeded to issue certificate under section 32-M in favour of the petitioner. In this backdrop, it was inevitable for appellate authority to pass order of stay to order passed by the A&T.

7. Second contention of Mr. Kulkarni that impugned order passed by the S.D.O. sans requisite reasons. This Court finds substance in contentions of Mr. Kulkarni. However, it is informed that appeal itself is fixed for hearing before S.D.O.

The circumstances in which interim stay is granted under impugned order suggests that petitioners have taken undue advantage of the situation. Therefore, this Court is not inclined to entertain this writ petition. It would be in the interest of parties, if the tenancy appeal itself is heard finally.

8. Since matter is posted on 8.4.2026 before the S.D.O. for hearing. Parties to co-operate. The learned S.D.O. shall endeavour to decide the appeal within a period of (3) three months from the date of this order. Accordingly, Writ Petition stands **disposed of**.

(S. G. CHAPALGAONKAR, J.)

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