

**BEFORE THE MEMBER, MAHARASHTRA REVENUE  
TRIBUNAL, AURANGABAD**

**Case No. -A-2023-Jalna**

Uddhavrao Dadarao Dhere

-- Appellant

V/s

Laxman Baburao Dake / Joshi & Others

-- Respondents

**:ORDER ON STAY APPLICATION :**

1. Being aggrieved & dissatisfied by the judgement & order dt.12.12.2022, passed by the Additional Collector Jalna in file no.2022/Sasha/ Bhusu/ Appeal/ Bodkha/ 53/ Virasat/ CR-43. The appellant preferred the present appeal in which he has applied for stay order.
2. The respondent no.1 has appeared and resisted the appeal by filing reply.
3. Heard the Id. advocated Shri.N.K.Chaudhari for appellant and Shri.C.D.Biradar for the respondent in considerable length.
4. It is submitted by appellant that in light of the facts of the case and grounds raised to be urged in the appeal mentioned supra. The appellant has made out a strong prima-fascia case for the grant of interim relief. As both the impugned orders are ex-facie, arbitrary / illegal and perverse the same being contrary to the peculiar nature of the facts and circumstances of the case involved heir in and relevant law applicable there too.

*caudam*  
19-1-2023

5. It is further submitted that, if both the impugned orders are implemented or allowed to be executed during the pendency of the present appeal. It would create the difficult position to the agricultural land the Maroti temple Devsthan. Therefore, the balance of convenience in the peculiar facts and circumstances of this case is in favor of the appellant. The appellant states that if this application for stay is not allowed during the pendency of the mentioned appeal. The appellant would suffer irreparable harm, serious prejudice and manifest inconvenience.
6. It is further submitted that, no loss or harm of what so ever nature would be caused to the respondent no.1. If the present stay application is allowed as respondent no.1 would not suffer any personal loss there by. Lastly prayed to grant the stay.
7. Shri.C.D.Biradar advocate for respondent no.1 submit that the respondent no.1 himself given the information in respect of Uddhavrao Dhere is unauthorized holder or unauthorized possessor or encroacher or trace passer over service Inam land and entitled to evic by ld. lower revenue authorities and as per the judgement and order dated 01.02.2021 passed by ld. Atiyat Collector Jalna. The appellant evicted from Maroti Devsthan Bodkha (bk) and land taken in to the government supervision on 17.06.2022 by revenue authorities.
8. Shri.C.D.Biradar ld. advocate for respondent no.1 further submit that the appeal preferred by appellant is not maintainable and stay will not be granted.
9. On the submissions advanced by both the parties, it appears that the appellant has preferred this appeal against the judgement and order passed by the Additional Collector Jalna (Atiyat) in file no.2022/ Sasha/Bhusu/Appeal/Bodkha/53/

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Virasat/CR-43 dated 12.12.2022 and the appeal will take his own time for the disposal. If the stay is not granted the very purpose of the appeal will be frustrate. The appellant has made out the prima-fascia case for grant of stay.

In result I proceed to pass the following order.

**: ORDER :**

1. The application for grant of stay is allowed.
2. The operation, execution and implementation of the order passed by the Additional Collector (Atiyat) Jalna in file no.2022/Sasha/Bhusu/Appeal/Bodkha/53/Virasat/CR-43 is here by stayed till next date.
3. No order as to cost.

Place : Aurangabad

Dated : 19.01.2023

*V.K. Kadam*  
19.1.2023  
(V.K.Kadam)

**Member,**  
**Maharashtra Revenue Tribunal,**  
**Aurangabad**

