

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 621 OF 2015

GOKUL JAYSING SHELE  
VERSUS  
SANJAY SHAMRAO PARDHI AND OTHERS

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Advocate for Petitioner : Shri Paranjape Prakash S.  
AGP for Respondents: Shri Shelke V.G.

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CORAM : RAVINDRA V. GHUGE, J.  
Dated: January 20, 2015  
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PER COURT :-

1. The petitioner has narrated peculiar facts of the case and has prayed for the quashing of the revisional proceedings in RTS Revision No.29 of 2014.
2. The contentions as narrated are as under:-
  - (a) The petitioner had sought permission from the Collector, Jalgaon in SR 5 of 2013 for purchasing a property bearing Gut No.53, admeasuring 0.45 Ares, pot-kharaba 0.01 Are, total admeasuring 0.46 Ares and assessed at Rs.1-40, situated at Kasabe Parola, Tq. Parola, District Jalgaon.
  - (b) By order dated 5.4.2013, the Additional Collector, Jalgaon has granted the necessary permission as required in law and has imposed certain conditions.
  - (c) The petitioner and the vendor Jaywantabai Totaram Pardhi are both tribals.
  - (d) A sale deed dated 2.7.2013 was executed.

(e) Since respondent No.1 herein - Sanjay Shamrao Pardhi started creating obstruction detrimental to the interest of the petitioner, the petitioner preferred RCS No. 88 of 2012.

(f) By judgment and order dated 3.7.2013, the trial Court concluded that respondent Sanjay Shamrao Pardhi had no concern at all with the property being purchased by the petitioner from the vendor. Consequentially, the pencil entry made by the revenue authorities was held to be illegal and they were prevented from making further entries at the behest of Sanjay Shamrao Pardhi.

(g) The petitioner had also preferred Special Civil Suit No.19 of 2006 against vendor Jaywantabai for specific performance of contract, which was allowed by judgment and order dated 27.2.2007.

(h) Respondent Sanjay Shamrao approached the Sub Divisional Officer, Jalgaon for stalling the transaction between the petitioner and the vendor.

(i) By judgment dated 5.4.2013, the Sub Divisional Officer had rejected the grievance set out by Sanjay Shamrao.

(j) The respondent has now preferred RTS Revision No.29 of 2014, which deserves to be quashed and set aside by allowing this petition.

3. Shri Paranjape, learned Advocate for the petitioner vehemently submits that respondent Sanjay Shamrao is indulging in vexatious litigation, with oblique motives and for creating an obstacle in the transaction entered into by the petitioner. He is not concerned with the property in any manner whatsoever. Litigation at his behest is an apparent abuse of the

process of law. The conduct of the respondent and tendency shown by him needs to be controlled and curbed. It is, therefore, prayed that this Court should exercise its extra ordinary jurisdiction and quash the proceedings - RTS Revision No.29 of 2013. The respondent needs to be imposed with exemplary and heavy costs.

4. Having heard the learned Advocate for the petitioner, I am of the view that the petitioner can raise all the above objections and contentions before the revisional authority. By giving an opportunity of hearing to the revisional applicant Sanjay Shamrao, the revisional authority could deal with the contentions of the petitioner. All the above recorded contentions, including the prayer for imposing exemplary costs on respondent - Sanjay Shamrao could be considered by the revisional Court / authority.

5. In the light of the above, without dealing with the merits in this petition and without expressing any opinion upon the contentions set out by the petitioner and as recorded herein above, this petition is being disposed off with the observation that the petitioner, while responding to the notice of hearing, dated 30.9.2014, issued by the revisional authority, can put forth its grievance and can invite the attention of the revisional authority for deciding the said grievance.

6. Needless to state, it is left entirely to revisional authority to deal with such contentions by giving a reasonable opportunity to the revisional applicant Sanjay Shamrao and decide the same in accordance with law.

7. The request of the petitioner that the revisional Court / authority be directed to decide the revision proceeding within a time frame, is left to the revisional authority to consider as to whether the revision proceedings could be expedited.

( RAVINDRA V. GHUGE, J. )

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