

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10135 OF 2015

Shri Chandrakant Dattatraya Bhujbal and Ors.] ... Petitioners

Versus

The Tahsildar, Shirur, Dist. Pune, and Ors.] ... Respondents

Mr. Manoj Patil i/b Mrs. Suman Y. Lengare for Petitioners.
Mrs. M. S. Bane, 'B' Panel Counsel for Respondent Nos.1 to 3.

CORAM :- M. S. SONAK, J.
DATE :- OCTOBER 13, 2015

P. C. :-

1. **Not on board. Upon production, taken on board.**
2. The challenge in this petition is to the order dated 24/09/2015 made by the Tahsildar, Shirur (Pune), under Section 5 of The Mamlatdar's Courts Act, 1906 ('said Act').
3. As against any order made under Section 5 of the said Act, a revision would lie to the Collector under Section 23 (2) of the said Act. The provisions contained in Section 23 make no distinction between the interim order of final order. The phraseology employed is that the Collector may call for and examine the record in a suit under

the said Act, and if he considers that any proceeding, finding or order in such suit is illegal or improper, may, after due notice to the parties, pass such order thereon, not inconsistent with the said Act, as he thinks fit. The phrase 'any proceeding or order' is wide enough to admit a revision petition against the impugned order dated 24/09/2015.

4. The learned Counsel for petitioners points out that on 29/09/2015, the petitioners have already instituted a revision petition. However, he submits that the revisional authority has refused to make any orders thereon. If this is correct, then this amounts to failure to exercise jurisdiction. Accordingly, the revisional authority before whom the petitioner has already instituted the revision petition, is directed to hear and decide the said revision petition in accordance with law and on its own merits. If, the petitioners have applied for any interim relief, then the revisional authority is required to consider the same as well. No doubt, the revisional authority will decide such revision petition or any application for interim relief therein after due notice to the parties.

5. Further, the revisional authority to endeavour to decide the revision application as expeditiously as possible and in any case, within a period of three months from the date of receipt of authenticated copy of this order.

6. With the aforesaid observations and liberty, this petition is disposed of.

7. It is made clear that this Court has not examined the merits of the matter and therefore all contentions of all parties are left open for decision by the revisional authority.

8. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)