

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.12582 OF 2016

Mr. Shivaji Janaba Ravan @

Shivaji Dnyandev Ravan

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. G. M. Mohite, for the Petitioner.

Mr. S. D. Rayrikar, AGP for the Respondent Nos.1 & 2.

Mr. M. A. Patil a/w Mrs. Suman Y. Lengare, for the Respondent No.3.

CORAM : R.M. SAVANT, J.

DATE : 2nd MAY 2016

PC.

1. The writ jurisdiction of this Court is invoked against the order dated 04.04.2016 passed by the Sub Divisional Officer, Aajra-Bhudargad Sub Division, Gargoti, District Kolhapur. By the said order, the Sub Divisional Officer has set aside the order dated 08.02.2016 passed by the Tahsildar, Aajra in Rasta Case No.6 of 2015. The sum and substance of the reasons for setting aside the said order passed by the Tahsildar can be said to be crystallized in paragraph 7 of the impugned order.

2. After arguing for sometime, the Learned Counsel for the parties are agreeable to both the orders i.e. the order dated 04.04.2016

passed by the Sub Divisional Officer, Aajra as also the order dated 08.02.2016 passed by the Tahsildar, Aajra being set aside and matter being remanded back to the Tahsildar, Aajra for a de-novo consideration of Rasta Case No.6 of 2015 in the light of the observations made by the Sub Divisional Officer in the impugned order. The impugned order dated 04.04.2016 passed by the Sub Divisional Officer as also the order dated 08.02.2016 passed by the Tahsildar, Aajra would accordingly stand set aside. The matter is remanded back to the Tahsildar, Aajra being Rasta Case No.6 of 2015. Needless to state that the contentions of the parties are kept open for being urged before the Tahsildar, Aajra. The said Rasta Case No.6 of 2015 would be decided on its own merits and in accordance with law uninfluenced by the earlier adjudication. The parties to appear before the Tahsildar, Aajra on 10.05.2016. The Tahsildar, Aajra to decide the Rasta Case No.6 of 2015 latest by 15.07.2016. With the aforesaid directions, the Writ Petition is disposed of.

[R.M. SAVANT, J]