

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.5182 OF 2013

Raju Ratan Chambhar (Kamble) and Another. .. Petitioners
Vs
Sub-Divisional Officer,
Ichalkaranji Division,
and Others. .. Respondents

—
Shri Akshay P. Shinde for the Petitioners.
Shri P.G. Sawant, AGP for the Respondent No.7.
—

CORAM : A.S. OKA & A.A.SAYED, JJ
DATED : 31ST AUGUST 2016

PC.:

1. Heard the learned counsel appearing for the Petitioner and the learned AGP for the Respondent No.1.

2. The first challenge in this Petition under Article 226 of the Constitution of India is to the order dated 16th May 2012 by which on the Application made by the contesting Respondents, a sale permission under Section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948 (for short “BTAL Act”) was granted to the second Respondent. The Petitioners made an Application dated 22nd August 2012 before the Sub-Divisional Officer for recall of the order dated 16th May 2012. In the Application, the Petitioners contended that the Respondents had

suppressed the material facts and especially the order of status quo passed by this Court.

3. The grievance in the Petition is that though the said Application was heard by the Sub-Divisional Officer, no order has been passed by the Sub-Divisional Officer on the said Application. The learned AGP has no instructions on this aspect.

4. In the Petition, there is an averment that the said Application dated 22nd August 2012 is not yet decided. As far as the order dated 16th May 2012 is concerned, a remedy of filing Revision Application is available under the BTAL Act. Hence, we dispose of the Petition by passing the following order:

ORDER :

- (a) We direct the Petitioners or their representative to remain present before the Sub-Divisional Officer, Ichalkaranji Sub-Division, Ichalkaranji, on 10th October 2016 at 11.00 a.m.;
- (b) The Petitioners shall produce an authenticated copy of this order before the Sub-Division Officer,

Ichalkaranji Sub-Division, Ichalkaranji, who shall act upon the same. Along with the authenticated copy, the Petitioners shall produce a true copy of the Application dated 22nd August 2012;

- (c) If the Application dated 22nd August 2012 is already decided, a copy of the order passed on the said Application be provided to the Petitioners;
- (d) If the Application is not yet decided, the Sub-Divisional Officer shall decide the said Application as expeditiously as possible and preferably within a period of four months from 10th October 2016;
- (e) We make it clear that the Application shall be decided only after issuing notice to all the affected parties and after giving them an opportunity of being heard;
- (f) We make it clear that no adjudication is made on merits of the said Application dated 22nd August 2012 as well as on merits of the order dated 16th May 2012;

(g) All contentions of the parties in that behalf are kept open;

(h) The Petition is disposed of on above terms.

(A.A. SAYED, J)

(A.S. OKA, J)