

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.495/2016

Mohan s/o Mahadeorao Mahure and others

..Versus..

The State of Maharashtra, through its Secretary, Revenue Department, Mantralaya,
Mumbai and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 25.1.2016

Heard Shri S.S. Dhengale, advocate for the petitioners.

Relying on the judgment given by this Court in the case
of *Bija s/o Maroti Hatwar V/s. Kisan s/o Chirkut Padole and
another* reported in **2015(1) Mh.L.J. 282** it is submitted that the
impugned order is unsustainable as the Sub-Divisional Officer
has no jurisdiction to entertain and decide the revision under
Section 23 of the Mamlatdars' Courts Act, 1906.

Issue notice for final disposal returnable on **12th**
February, 2016.

Considering the fact that the Sub-Divisional Officer had
granted interim order on 4th January, 2010 and accepting the
statement made on behalf of the petitioners that the

subsequent order passed by Tahsildar on 12th November, 2013 after remand of the matter was not implemented, it is directed that the effect, operation and execution of the order passed by the Tahsildar, Chandur Bazar shall stand stayed until further orders.

Shri N.R. Rode, A.G.P. waives notice for respondents 1 to 3.

C.A.W. NO.153/2016.

Time of six weeks is granted to file the certified copy.
The civil application is allowed accordingly.

JUDGE

Tambaskar.