

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3186 OF 2017

SACHIN SHIVAJI KUNGAR AND OTHERS
VERSUS
SARJERAO RAGHOJI KUNGAR AND OTHERS

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Advocate for Petitioners : Shri Karpe Rahul R.
Advocate for Respondents 1 to 5 : Shri Andhale Sandip R,
AGP for Respondents 7 & 8 : Shri Tambe S.K.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 24, 2017

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PER COURT :-

1. The impugned order passed by the Sub Divisional Officer dated 31.1.2017, thereby dealing with the order passed by the Tahsildar under Section 5(2) of the Mamalatdar Courts Act, 1906 is without jurisdiction in the light of the judgment delivered by this Court in the matter of Bija Maroti Hatwar Vs. Kisan Chirkut Padole [2015 (1) Mh.L.J. 282] and judgment dated 16.3.2016 in Writ Petition No.6840 of 2013 - Shankar Jadhav Vs. SDO Karjat and others.

2. This petition, is therefore, allowed. The impugned order dated 31.1.2017 in Revision Application No. 4 of 2017 is quashed and set aside.

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3. Learned Advocate for respondents 1 to 5 submits that they would prefer an appropriate proceedings under Section 23(2) of the 1906 Act before the Additional Collector, Ahmednagar within a period of 15 days from today. The litigating sides are agreeable to appear before the said authority on 15.9.2017 at 3.00 p.m. Formal notices need not be issued. The Additional Collector shall endeavour to decide the said proceedings as expeditiously as possible and preferably on/or before 15.12.2017.

4. Until the disposal of the said proceedings, the litigating sides would not enter into a confrontation and shall not create a situation for lodging of police complaints and shall refrain from disturbing each other in so far as their agricultural activities are concerned.

(RAVINDRA V. GHUGE, J.)

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