

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3143 OF 2015
(Sumanbai Raghunath Jadhav and another Vs. The State of
Maharashtra and others)

Mr.Shrikant S.Patil, Advocate for the petitioners.
Mr.U.A.Bhadgaonkar, Advocate for respondent No.2.
Mr.S.N.Kendre, AGP for State/respondent No.1.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 04/09/2017

PER COURT :

1. The petitioners are aggrieved by the order dated 01/03/2013 passed by the Tahsildar and the order dated 31/12/2014 passed by the S.D.O. in RTS Revision No.22/2013.

2. This Court in the matter of Bija Maroti Hatwar Vs. Kisan Chirkut Padole and another [2015(1) Mh.L.J.282] has concluded that the order passed by the Tahsildar u/s 5(2) of the Mamlatdars' Courts Act, 1906 cannot be a subject matter of revision u/s 23(2) before the S.D.O. Such revision is to be preferred before the Additional Collector. Similar view is taken by this Court by order dated 24/07/2017 in WP No.8769/2016 in the matter of Sandip Gopinath Rahane Vs.The State of Maharashtra and others.

3. Considering the above, the impugned order dated 31/12/2014 is without jurisdiction and is quashed and set aside. The petitioners have apparently filed the revision before the wrong forum. As such, the petitioners would be at liberty to prefer the revision petition before the Collector/Additional Collector. The time spent before the S.D.O. from the date of filing of the revision by the petitioners till the passing of this order today, would be a ground for seeking condonation of delay.

4. This petition is, therefore, partly allowed in the above terms.

(Ravindra V.Ghuge, J.)