

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 03870 of 2017

District : Ahmednagar

1. Digambar Prabhu Nikam,
Age : 31 years,
Occupation : Agriculture.
2. Nanasaheb Shrirang Nikam,
Age : 36 years,
Occupation : Agriculture.
3. Sindhubai Prabhu Nikam,
Age : 60 years,
Occupation : Agriculture.
4. Mandabai Shrirang Nikam,
Age : 54 years,
Occupation : Agriculture.
5. Sahadev Shrirang Nikam,
Age : 31 years,
Occupation : Agriculture.
6. Sachin Prabhu Nikam,
Age : 28 years,
Occupation : Agriculture.

All R/o. Ukkadgaon,
Taluka Kopargaon,
District Ahmednagar.

.. Petitioners.

versus

1. Dnyaneshwar Sopan Nikam,
Age : Major,
Occupation : Agriculture.
2. Balibai Digambar Nikam,
Age : Major,
Occupation : Agriculture.
3. Kamlabai Sopan Nikam,
Age : Major,
Occupation : Agriculture.

4. Jagannath Ambadas Nikam,
Age : Major,
Occupation : Agriculture.
5. Sanjay Ambadas Nikam,
Age : Major,
Occupation : Agriculture.
6. Bhanudas Namdeo Nikam,
Age : Major,
Occupation : Agriculture.
7. Janardhan Namdeo Nikam,
Age : Major,
Occupation : Agriculture.
8. Vasant Namdeo Nikam,
Age : Major,
Occupation : Agriculture.
9. Indubai Sanjay Nikam,
Age : Major,
Occupation : Agriculture.
10. Anita Jagannath Nikam,
Age : Major,
Occupation : Agriculture.

All R/o. Ukkadgaon,
Taluka Kopargaon,
District Ahmednagar.

.. Respondents.

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Mr. Sanket S. Kulkarni, Advocate, for petitioners.

Mr. K.B. Jadhav, Advocate, for respondents no.01 to 10.

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CORAM : SUNIL P. DESHMUKH, J.

DATE : 10TH JULY 2017

ORAL ORDER :

01. Learned Counsel for parties, on instructions, concede to that the decision of the authority dated 20.02.2017 may not be efficacious as the proceedings would be hardly tenable before said authority. The matter will have to be placed before a competent officer as referred to in the judgment of this Court in the case of *Bija s/o. Maroti Hatwar Vs. Kisan s/o. Chirkut Padole & another* [2015(1) *Mh.L.J.* 282]. The matter in revision will have to be adjudicated upon by an authority as referred to under Section 23(2A) of the Mamlatdars' Courts Act, 1906.

02. Under the circumstances, the impugned order passed by the Sub-Divisional Officer stands set aside. The matter stands remanded to the competent authority as referred to in the judgment cited supra. The Collector, in the circumstances, may either decide the revision himself or delegate the powers to any of the authority referred to under Sub-Section 2A of Section 23 of the Mamlatdars' Courts Act, 1906. The revisional proceedings shall be proceeded with as expeditiously as possible and preferably within a period of six months from the date of receipt of this order.

03. Till the disposal of the revisional proceedings by the competent authority, the interim order passed by this Court shall continue to operate.

04. With the above observations, the Writ Petition stands disposed of.

(Sunil P. Deshmukh)
JUDGE

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