

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8769 OF 2016

SANDIP GOPINATH RAHANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Kanawade Ajay T.
AGP for Respondents 1 to 3 : Shri Deshmukh S.P.
Advocate for Respondent 4 : Shri Markad Dattraya R.

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

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PER COURT :-

1. I have heard the learned Advocates for the respective sides.
2. Shri Markad, learned Advocate relies upon the Affidavit in reply, filed today dated 23.3.2017.
3. The Sub Divisional Officer, Sangamner, ("SDO") has dealt with a Revision Petition No.334 of 2015, by order dated 25.12.2016 under Section 23(2) of the Mamalatdar Courts Act, 1906. The grievance of the petitioner is that the SDO did not have the jurisdiction to entertain the said proceedings.
4. This issue is now settled by this Court (Coram : Z.A.Haq,

J.) in the matter of Bija Maroti Hatwar Vs. Kisan Chirkut Padole [2015 (1) Mh.L.J. 282], again by this Court (Coram : P.B. Varale, J.), by judgment dated 28.4.2016 in the matter of Narayan Bhagwan Vs. Dattatray Digambar Tayade - Writ Petition No.4609 of 2015. Similar judgments are delivered by this Court (Coram : A.S.Chandurkar, J.) in Writ Petition No.5777 of 2016, by judgment dated 5.7.2016 and by this Court (to which I am a party) by judgment dated 16.3.2016 in the matter of Shankar Vishnu Jadhav Vs. S.D.O. - Writ Petition No.6840 of 2013.

5. Considering the above, the SDO could not have entertained the Revision Petition filed by respondent No. 4.

6. Consequentially, this petition is allowed. The impugned order dated 25.5.2016 is quashed and set aside. The earlier order of the Tahsildar dated 28.9.2015 in Rasta Case No.11 of 2015 shall continue to operate.

7. The Revision Application No.334 of 2015 is, therefore, remitted to the office of the District Collector, Ahmednagar. The petitioner Sandeep Gopinath and respondent No.4 Balu Ramkrushna agree to appear before the District Collector on 11.8.2017 at 11.00 am and shall participate in the said

proceedings on the dates on which the matter is posted for hearing. Formal notices may be issued to the rest of the respondents, by the District Collector, who shall endeavour to decide the proceedings as expeditiously as possible and preferably within a period of six months.

(RAVINDRA V. GHUGE, J.)

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