

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 509 OF 2018

BABAN RANGNATH LAGAD AND OTHERS
VERSUS
THE SUB DIVISIONAL OFFICER AHMEDNAGAR AND OTHERS

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Advocate for Petitioners : Shri Karpe Rahul R.
AGP for Respondents 1 & 2 : Shri Tambe S.K.
Advocate for Respondent 3 : Shri Kulkarni S.S.
h/f Shri Rode B.B.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 01, 2018
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PER COURT :-

1. This matter has been heard extensively.
2. Issue is with regard to the refusal of the Sub Divisional Officer in granting interim relief to the petitioners during the pendency of their Revision Application No.211 of 2017, which is in fact, a proceeding under Section 23(2) of the Mamalatdar Courts Act, 1906 and not under Section 247 of the Maharashtra Land Revenue Code, as is wrongly mentioned.
3. Learned counsel for the original applicant / respondent 3, submits on instructions of respondent No.3, who is present in the Court, that as his onion crop is standing in the middle of the road

running, from the bottom portion of his land Gut No.96 on the Southern side, from West to East, he would harvest the said crop first, before harvesting the rest of the crop in the farm on/or before 6.3.2018 and thereafter, the said path can be used until the decision of the revisional authority in the pending revision proceedings.

4. Learned counsel for the petitioners, submits on instructions that the petitioners agree to this arrangement.

5. As such, this petition is disposed off by recording the statement of the original applicant / respondent No.3. Needless to state, after he harvests the onion crop in the said path, which is reflected at the bottom side of the sketch map prepared by the Tahsildar, Shrigonda dated 13.12.2016 at page No.27, the said path would then be available for being used as an interim measure until the revisional authority decides the pending revision proceedings. It is expected that the revisional authority would deliver it's order after considering the contentions and submissions of the litigating sides, as expeditiously as possible and preferably on/or before 31.5.2018.

6. Since the learned Advocate for the petitioners submits

that respondent Nos. 4 and 5 are with them and they would all appear on the given date before the revisional authority / respondent No.1, the litigating sides shall appear before respondent No.1 on 9.3.2018 at 3.00 pm and thereafter abide by the dates of hearing in the matter. Formal notices need not be issued. All contentions of the litigating sides are kept open.

(RAVINDRA V. GHUGE, J.)

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