

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

WRIT PETITION NO. 948 OF 2018

SANTOSH KARBHARI MHASKE
VERSUS
THE ADDITIONAL COLLECTOR, JALNA AND OTHERS

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Advocate for the Petitioner : Shri Temak Rahul B.
AGP for Respondents 1 and 2/ State : Shri S.K.Tambe.
Advocate for Respondents 3 to 9 : Shri R.V.Nirmal.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 25th January, 2018

Per Court:

1 This matter was heard at length on 23.01.2018 and again today. While hearing the extensive submissions of the learned Advocates, the learned AGP has also taken the assistance of the Tahasildar, Jalna.

2 There is no dispute that this matter pertains to Section 5(2) of the Mamlatdar's Courts Act, 1906. The decision of the Mamlatdar, commonly known as Tahasildar, is challenged before the Revisional Authority under Section 23(2).

3 The Petitioner is aggrieved by the order dated 20.01.2018 by which, the earlier status-quo granted on 16.12.2017, has been vacated.

4 The learned AGP informs, on instructions, that the obstructions in the suit way/ path have been removed on 23.01.2018 by

taking assistance of the Police. The main revision proceedings are pending before the Revisional Authority under Section 23(2).

5 The learned Advocates for the respective sides consent to appear before the Revisional Authority on 03.02.2018 at 11:00 AM. The learned AGP assures to convey the posting of the matter on the said date through the Tahasildar, Jalna, present in the Court. Formal notices need not be issued by the Revisional Authority keeping in view that the date for final hearing in the Revision i.e. 19.03.2018 is now being preponed to 03.02.2018, by the consent of the parties.

6 The learned Advocate for the Petitioner strenuously prays for a direction that the path way, which is cleared from obstacles/obstructions, should again be closed for the time being until the revision is decided.

7 I am unable to accede to the said request since, if the path way was indeed blocked by placing wooden logs, accepting such a request would virtually amount to re-blocking the said path way. Instead, ends of justice would be met by maintaining the position as it is and enabling the Revisional Authority to consider the rival contentions of the parties and decide the proceedings finally. As such, the Revisional Authority shall decide the proceedings as expeditiously as possible and in any case, on or before 05.03.2018.

8 The Petitioner has raised the contention about the second

application having been filed under Section 5(2). He has also raised an issue of there being an alternate way and other connected issues. The Revisional Authority would consider all the contentions of the litigating sides on their own merits and shall pass a reasoned order.

9 The litigating sides shall be prevented from seeking adjournments considering the fact situation as above and the Revisional Authority would be at liberty to refuse the adjournments, if they are made on frivolous or trivial grounds.

10 The Writ Petition is, accordingly, disposed of.

kps

(RAVINDRA V. GHUGE, J.)