

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

99 WRIT PETITION NO. 3988 OF 2018

**BABASAHEB KRUSHNARAO KHILARI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioners : Mr. Shermale K. N.
AGP for Respondents 1 to 3 : Mr. P.S.Patil
Advocate for Respondents 4 to 7 : Mr. Pokharkar Darshan D.

**CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.**

DATE : JULY 31, 2018

O R D E R :

We have heard learned counsel Mr. Shermale for petitioners, Mr. Pokharkar for respondent nos. 4 to 7 and learned AGP for respondent nos. 1 to 3.

2. Limited grievance made by the petitioners is that the petitioners are the respondents in the proceedings filed before the Mamlatdar under Section 5 of the Mamlatdar Courts Act. Present petitioners have filed an application objecting to the proceedings on the ground that their land in question is non-

agricultural land. The said application is not decided.

3. Whenever an application is filed by a party, the authority has to decide the same in accordance with law.

4. Needless to state that the Mamlatdar, before the proceedings are decided, shall decide the application (Exh. B) filed by the petitioners, after hearing all the parties, on its own merits.

5. Writ Petition is disposed of. No costs.

[SUNIL K.KOTWAL, J.] [S.V.GANGAPURWALA, J.]

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