

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

WRIT PETITION NO. 6808 OF 2018

**BHAUSAHEB MATHARJI MADHANE AND OTHERS
VERSUS
THE ADDITIONAL COLLECTOR AURANGABAD AND OTHERS**

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Advocate for the Petitioners : Shri Kale Yogesh D.
AGP for Respondents 1 and 2 : Shri B.A.Shinde.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 27th August, 2018

Per Court:

1 The Petitioners are aggrieved by the order passed by the Additional Collector, Aurangabad dated 28.02.2018 by which, the Revisional Authority has exercised the jurisdiction under Section 23(2) of the Mamlatdars' Courts Act, 1906 and has remitted the matter to the Tahasildar under Section 5(2) of the said Act for a detailed enquiry and for considering the grievances of the litigating sides afresh.

2 I have considered the strenuous submissions of the learned Advocate for the Petitioners and the learned AGP for the Respondent/ State. With their assistance, I have gone through the petition paper book.

3 I find that the Tahasildar has simply allowed the application filed by the Petitioners and without granting any relief in the form of any

direction or order which can be executed, the Tahasildar has closed the file. The reason adduced for closing the file is that the Petitioners find it very difficult for the movement of their agricultural yield from their agricultural field and hence, the application filed by these Petitioners has been allowed.

4 The Revisional Authority has considered the contentions of the parties and has noticed that the Tahasildar has not conducted a proper enquiry, proper inspection and has not dealt with the matter as was expected of him. It was, in these circumstances, that the order of the Tahasildar was set aside and the matter was remitted. So also, the Tahasildar was directed to conclude the enquiry and pass a proper order within three months. After the impugned order of remand, about six months have already passed.

5 In view of the above, this Writ Petition is disposed of.

6 In the event, the Tahasildar has not concluded the enquiry and has not adjudicated upon the proceedings under Section 5(2) of the said Act, he shall consider the said proceedings for adjudication expeditiously and after hearing all the litigating sides, he shall decide the said proceedings with a reasoned order on or before 31.10.2018.