

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10608 OF 2018
(Deepak s/o Mininath Nirmal and another Vs. Nanasaheb s/o Bapu
Bhand and others)

Mr.M.A.Dond, Advocate for the petitioner.
Mr.K.S.Patil, AGP for the respondent/State.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 24/09/2018

PER COURT :

1. The petitioners are aggrieved by the order of the Additional Collector, who is the Revisional Authority under Section 23 of the Mamlatdar's Court Act, 1906, dated 08/05/2018 by which he has directed the Tahsildar to exercise his jurisdiction u/s 5(2) of the Act by personally causing inspection of the property at issue, prepare a sketch map, a panchanama and decide the application after hearing all the sides.

2. The petitioners have raised several disputed issues in this petition. It is apparent that the Additional Collector noticed from the record that the Tahsildar has relied upon the panchanama prepared by the Circle Officer and has decided the application without conducting a spot inspection and a sketch map. He, therefore, has

directed the Tahsildar to follow the due procedure.

3. I do not find that the impugned order dated 08/05/2018 could be termed as being perverse or erroneous. This petition is, therefore, dismissed. It, however, be noted that the Tahsildar, Shrirampur/ respondent No.5 shall implement the directions of the Additional Collector expeditiously and shall carry out a spot inspection personally, prepare a sketch map and decide the proceedings u/s 5(2) after hearing all the sides, if not yet decided and in any case on or before the 15/10/2018. Learned AGP shall communicate these directions to the concerned Tahsildar forthwith.

(Ravindra V.Ghuge, J.)

Kranti
Hansraj
Shekatkar

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