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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9152 OF 2018

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| 1. | Dineshsing Jagannath Deore (Patil)
Age - 48 years, Occ - Agriculturist | PETITIONERS |
| 2. | Sadhana Dineshsing Deore (Patil)
Age - 44 years, Occ - Agriculturist
Both R/o At Javkhede (Khurd),
Post Hingone, (BK)
Taluka - Dharangaon, District - Jalgaon | |

VERSUS

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|----|---|-------------|
| 1. | The State of Maharashtra
Through its Sub Divisional Officer
Dharangaon, Division, Dharangaon
Taluka - Dharangaon, District - Jalgaon | RESPONDENTS |
| 2. | The Tahsildar Dharangaon,
Taluka - Dharangaon, District - Jalgaon | |
| 3. | The Naib Tahsildar Dharangaon,
Taluka - Dharangaon, District - Jalgaon | |
| 4. | Tarachand Omkar Patil,
Age - 76 years, Occ - Agriculturist
R/o Hingone (Bk)
Taluka - Dharangaon, District - Jalgaon | |

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Mr. Vijay B. Patil, Advocate for the petitioners
Mr. P. N. Kutti, AGP for respondent - State
Mr. Hemantkumar F. Pawar, Advocate for respondent No. 4

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 8th AUGUST, 2018

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally with

consent of learned advocates for the parties.

2. Perusal of analysis and inference appearing in order dated 6th July, 2018 passed by Sub Divisional Officer, Erandol in RTS Revision No.3 of 2018 on page 52 of the writ petition, shows that it has been observed that there is no satisfactory inspection of the spot and further that the contention on behalf of the petitioners about there being previous proceedings to have access to the land of respondent No. 4, has not been referred to. Further perusal shows that photographs have been relied on.

3. Learned advocate for respondent No. 4 purports to resist the writ petition stating that though banking upon so called absence of reference to contentions of earlier litigation on which reliance is being placed, it cannot be said that the authorities while deciding application by respondent No. 4 has not given cogent reasons or the order can be said to be an unreasoned order.

4. It appears that it is on tenuous evidence revision has been decided, placing reliance simply on photographs, which would not be a sound appreciation of the matter without being supported by reasons therefor, especially disregarding submissions on behalf of the petitioners about there being previous litigation to have access to land of respondent No. 4.

5. Overall, situation calls for re-exercise of revisional powers by the revisional authority. It appears to be expedient to set aside impugned order dated 6th July, 2018 passed by Sub Divisional Officer, Dharangaon in RTS Revision No. 3 of 2018 and to remit the matter to the revisional authority for reconsideration afresh.

6. In view of aforesaid, matter is remitted to the revisional authority for reconsideration afresh. Revision be processed as expeditiously as possible, preferably within a period of three months from the date of receipt of writ of this order. Writ petition as such, stands partly allowed. Rule is made absolute in aforesaid terms.

[SUNIL P. DESHMUKH, J.]

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**Dinesh
Ramrao
Pawar**

Digitally signed
by Dinesh
Ramrao Pawar
Date: 2018.08.24
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