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

**CONTEMPT PETITION NO. 467 OF 2017
IN
WRIT PETITION NO. 7947 OF 2016**

Gajendra s/o Ganpat Ghongade,
Age: 85 years, Occu: Agril.,
R/o Shankar Nagar, Post Patoda
Khurd, Tq. Mantha,
Dist. Jalna

..PETITIONER

VERSUS

Rahul Gaikwad,
Age:45 years, Occu: Service,
Serving as Tahsildar,
Mantha, Tq. Mantha,
R/o Mantha, Tq. Mantha,
District Jalna

..RESPONDENTS

Mr Mahesh P. Kale, Advocate for petitioner;
Mrs A. V. Gondhalekar, A.G.P. for respondent;

**CORAM : PRASANNA B. VARALE &
MANISH PITALE, JJ.**

DATE : 24th SEPTEMBER, 2018

ORAL ORDER :

Heard Mr Kale, learned Counsel appearing
on behalf of the petitioner.

2. The grievance of the petitioner is that
though by order dated 11th August, 2016, Tahsildar

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was directed to decide the representation of the petitioner, the decision of the Tahsildar is not in consonance with the order of this Court. Perusal of the order of this Court dated 11th August, 2016 shows that the petitioner was permitted to submit the report/complaint to the Tahsildar for redressal of his grievance within a stipulated period of four weeks from the date of the order and on receipt of the said representation the Tahsildar was to decide it and pass appropriate order within a period of four weeks.

3. Reply is filed on behalf of Tahsildar Mr Kishor Awachitrao Deshmukh. The copy of the decision of Tahsildar dated 6th May, 2017 is also placed on record along with affidavit-in-reply. The Tahsildar states in the order that the representation was received by him and the petitioner claims right over certain property which is situated in the village Patoda and more particularly in Survey No.117/4. The Tahsildar then states in the decision that already civil suit

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is pending before the competent civil Court in respect of the very property and contesting claims are raised by the petitioner as well as one Smt. Bibi Durkhan Mahobat Khan. It is then stated that as the competent civil Court seized with the matter, the Tahsildar is unable to show any indulgence in the matter and accordingly, it is informed to the petitioner.

4. Mr Kale, learned Counsel for the petitioner though submitted that the decision is not in consonance of the order of this Court, we are of the opinion that no error is committed by the Tahsildar. The Tahsildar, by referring to the fact that the issue about civil rights of the parties is pending before the competent civil Court and it is only the civil Court, who shall decide the rights of the property and in such situation, the Tahsildar has no role to play, as such, he is unable to entertain the grievance of the petitioner.

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5. The view taken by the Tahsildar and the decision is in view of the record available with him. In our opinion, no error is committed by the Tahsildar. There is also no willful disobedience of the order of this Court.

6. Considering the above referred facts, the contempt is purged and the petition is disposed of accordingly.

(MANISH PITALE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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