

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3657 OF 2018

Akaram Nivrutti Kondalkar & Ors.

..... Petitioners

VERSUS

Sahadev Yeshwant Bandal & Ors.

..... Respondents

Mr.Nitin P.Deshpande for the Petitioners.

Mr.Ashutosh M. Kulkarni for the Respondent nos. 1, 4, 5, 12 to 14 and 17 to 19.

Mr.S.D.Rayrikar, A.G.P. for the State – Respondent nos. 21 and 22.

CORAM : R.D. DHANUKA, J.

DATE : 18th APRIL, 2018

P.C.

Learned counsel for the petitioners on instructions from the petitioner no.2 seeks liberty to delete the names of respondent nos. 2, 6 to 11, 16(a) and 20 in the cause title of the petition. Leave to amend is granted. Amendment to be carried out forthwith. Re-verification is dispensed with.

2. Rule. Learned A.G.P. waives service for the respondent nos. 21 and 22. Mr.Kulkarni waives service for the remaining respondents.

3. By consent of parties, petition is heard forthwith.

4. By this petition filed under Article 227 of the Constitution of India, the petitioners have impugned the order dated 20th May, 2017 passed by the Assistant Collector and Sub-Divisional Officer allowing the Revision Application No. 346 of 2016. In my view the judgment of this Court in *Writ Petition No.11598 of 2014 in case of Mr. Vilas*

Gajanan Bhujbal & ors. vs. Sou.Pushpa Chandrakant Dabhade and others squarely applies to the facts of this case. The learned Sub-Divisional Officer has no jurisdiction to decide the said revision application. I, therefore, pass the following order :-

(a) Impugned order dated 20th May,2017 passed by the learned Assistant Collector cum Sub-Divisional Officer in Revision Application No.346 of 2016 is quashed and set aside.

(b) Revision Application No.326 of 2016 is restored to file before the learned Additional Collector, Sangli for disposal of the said revision application afresh and in accordance with law and without being influenced by the observations made and the conclusion drawn by the learned Assistant Collector cum Sub-Divisional Officer in the order dated 20th May,2017. The said revision application shall be disposed of expeditiously.

(c) Learned Assistant Collector cum Sub-Divisional Officer, Miraj shall transmit the papers and proceedings of Revision Application No.346 of 2016 to the learned Additional Collector, Sangli within one week from the date of communication of this order.

(d) The revision application shall be heard by the learned Additional Collector, Sangli himself or

shall be heard by one of the officer whose name is referred under section 23(2A) of the Mamlatdar's Courts Act, 1906.

(e) The order dated 23rd May,2016 passed by the learned Tahsildar, annexed at Ex.B to the writ petition shall remain stayed during the pendency of the said revision application and for a period of two weeks from the date of communication of the said order, if the same is adverse against the petitioners.

(f) The parties are directed to remain present before the learned Additional Collector, Sangli on 2nd May,2018 at 11.00 a.m.

(g) The petitioners are directed to convey this order to the other respondents whose names are deleted from the cause title of the petition today. If those respondents also seek to appear before the authority, they may also appear.

5. Parties as well as authorities to act on the authenticated copy of the said order.

6. Writ petition is made absolute in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]