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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12991 OF 2016

|                         |                |
|-------------------------|----------------|
| Laxman D. Vijapure      | ...Petitioner  |
| V/s.                    |                |
| Ankush S. Jadhav & Ors. | ...Respondents |

Mr.Rajshekhar S. Alange for the Petitioner.

Mr.Ashok B. Tajane for the Respondent Nos.1 to 9 and 11 to 13.

Ms.Jyoti P. Jadhav, A.G.P. for the State – Respondent No.14.

**CORAM : R.D. DHANUKA, J.**  
**DATE : 14TH FEBRUARY, 2018.**

**P.C. :-**

1. Leave to amend is granted to implead the State of Maharashtra as the respondent no.14. The amendment to be carried out forthwith.
2. Mr.Alange, learned counsel appearing for the petitioner states that all the respondents are served.
3. By this petition, the petitioner has impugned the order passed by the learned Sub-Divisional Officer on 8<sup>th</sup> August, 2016 allowing the revision application filed by the respondent nos.1 to 13.
4. This Court in the judgment dated 9<sup>th</sup> January, 2018 in Writ Petition No.3895 of 2017 in case of **Shrimant Chanmallappa Desai**.

**& Ors. vs. Bajrang Ramchandra Dole & Ors.**, has held that the learned Sub-Divisional Officer has no jurisdiction to pass the order under section 23(2-A) of the Mamlatdars' Courts Act, 1906. In my view the said judgment applies to the facts of this case. The order thus passed by the learned Sub-Divisional Officer is without jurisdiction and is accordingly set aside.

5. The matter is remanded back to the Additional Collector, Solapur to dispose of the said revision application himself or to delegate the powers to one of the officers prescribed in section 23(2-A) of the Mamlatdars' Courts Act, 1906. The concerned officer, who is empowered to decide the revision shall decide the revision without being influenced by the observations made and the conclusion drawn in the impugned order and in accordance with law expeditiously.

6. The parties are directed to appear before the concerned Additional Collector, Solapur on 1<sup>st</sup> March, 2018 at 3:00 p.m.

7. The Additional Collector as well as the parties to act on the authenticated copy of this order.

8. Learned Additional Collector or such officer, who is delegated such powers in section 23(2-A) of the Mamlatdars' Courts Act, 1906 shall decide the revision application within four months from the date of communication of this order. Till such decision is rendered by the learned Additional Collector or any such officer, who

is delegated such powers and for a period of two weeks thereafter, the order passed by the learned Tahsildar shall not be acted upon. The writ petition is disposed of in aforesaid terms. No order as to costs.

9. All the contentions raised by the respondent nos.1 to 13 in the said revision application which was disposed of by the learned Sub-Divisional Officer and all the contentions of the petitioner herein about the maintainability of the original proceedings filed by the petitioner as well as about the maintainability of the revision application filed by the respondent nos.1 to 13 are kept open.

**(R.D. DHANUKA, J.)**