

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 11619 OF 2015****Babita Shivaji Barve & Ors.****..... Petitioners****VERSUS****The Sub Divisional Officer,
Madha Division, Kurduwadi & Ors.****..... Respondents**

Mr.Dilip Bodake for the Petitioners.

Mr.Rupesh K.Bodake for the Respondent nos. 3 and 4.

Mr.S.H.Kankal, A.G.P. for the State.

CORAM : R.D. DHANUKA, J.**DATE : 14th JUNE, 2018****P.C.**

By consent of the petitioner and respondent nos. 3 and 4 who are contesting respondents, order dated 30th September,2015 passed by the learned Sub-Divisional Officer, Kurduwadi Sub Division, Madha, District Solapur in Revision Application No.2 of 2014 and also the judgment and order dated 13th December,2012 passed by the learned Tahsildar, Madha in Watan Rasta Case No. 10 of 2012 are set aside.

2. Watan Rasta Case No. 10 of 2012 is restored to file before the learned Tahsildar, Madha.

3. The learned Tahsildar shall decide the said application afresh and without being influenced by the orders dated 13th February,2012 and the order dated 30th September,2015 passed by the Sub-Divisional Officer, Kurduwadi Sub Division and shall decide the same on its own merits. The learned Tahsildar shall grant an opportunity to the

petitioner to cross examine the parties who have filed affidavits which are annexed at Ex.H collectively to the said writ petition. Both the parties are permitted to lead additional evidence, if any, if they so desire. If any such opportunity is sought, the same shall be granted to the parties.

4. During the pendency of the proceedings before the learned Tahsildar and for a period of two weeks from the date of communication of order, the interim protection which was granted by the learned Additional Collector Kolhapur on 13th December, 2012 to continue.

5. The parties are permitted to apply for interim relief before the learned Tahsildar.

6. The learned Tahsildar is directed to dispose of the said application within three months from the date of the first hearing.

7. The parties are directed to appear before the learned Tahsildar on 22nd June, 2018 at 03.00 p.m.

8. Writ petition is disposed of in the aforesaid terms. No order as to costs.

9. The parties as well as the authority to act on the authenticated copy of this order.

[R.D. DHANUKA, J.]