

Revision Application No. 24 of 2009 on the ground that in view of Section 23(2) of Mamlatdar's Courts Act, 1906 the Sub-Divisional Officer has no jurisdiction to entertain the Revision against the order passed by the Tahsildar in Vahiwat Case under Section 5 of the Mamlatdar's Courts Act, 1906.

3 This Court in the case of **Vilas Gajanan Bhujbal Vs Pushpa Chandrakant Dabhade & Ors.** reported in **2018(2) Mh.L.J. 322** has held that the Sub-Divisional Officer has no power to pass order under Section 23(2A) of the Mamlatdar's Courts Act, 1906. In my view the Sub-Divisional Officer has no jurisdiction to pass the impugned order. I, therefore, pass following order:-

- (a) Impugned order dated 28th October, 2014 passed by the Sub-Divisional Officer, Igatpuri-Tryambakeshwar Sub Division, Nashik in Revision Application No. 24 of 2009 is set aside. The Revision Application No. 24 of 2009 (SR/RTS/Revision No. 10 of 2013) is restored to file before the learned Additional Collector. The learned Additional Collector himself shall decide

the said revision application or the same can be decided by one of the Officer subordinate to him described in section 23(2A) of the Mamlatdar's Courts Act, 1906 expeditiously and in any case within a period of three months from the date of receipt of this order;

- (b) The interim relief granted by this Court shall continue till the decision of the Revision Application and if any adverse order is passed against the petitioners, for further period of two weeks thereafter from the date of communication of the said order;
- (c) The parties to act on the authenticated copy of this order;
- (d) The learned Additional Collector or the Officer who has been delegated power by the Collector specified under Section 23(2A) of the Mamlatdar's Courts Act, 1906 shall decide the revision application on its own merits without being influenced by the observations made by the Sub-Divisional Officer in the impugned order;
- (e) The learned Sub-Divisional Officer shall transmit the papers and proceedings in the revision application No.10 of 2013 to the learned Additional Collector, Nashik within one week from the date of communication of this order;

- (f) Rule is made absolute in the aforesaid terms.
- (g) There shall be no order as to costs;

(R.D.DHANUKA, J.)