

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL REVISION APPLICATION NO. 373 OF 2015****Mahadev Appa Gawade & Ors.****..... Applicants****VERSUS****Kisan Pandharinath Gawade****..... Respondent**

Mr.Tushar N.Sonawane for the Applicants.

Mr.G.S.Jadhav, i/b. Mr.Pranav H.Bhoite for the Respondent.

CORAM : R.D. DHANUKA, J.**DATE : 7th FEBRUARY, 2018****P.C.**

Admit. Mr.Jadhav, learned counsel for the respondent waives service. By consent of parties, matter is heard finally forthwith.

2. By this civil revision application, the applicants have impugned the order passed by the learned Sub-Divisional Officer, Daund-Purandar , in Revision Application No.014 of 2013 dated 4th April, 2015 under the provisions of Mamlatdar's Court Act, 1906.

3. This court in case of ***Vilas Gajanan Bhujbal & Ors. vs. Sou.Pushpa Chandrakant Dabhade & Ors.*** in ***Writ Petition No. 11598 of 2014*** dated 11th December, 2017 has held that the Sub-Divisional Officer has no jurisdiction to decide the revision under section 23(2A) of the Mamlatdar's Court Act, 1906. The revision can be heard only by the Collector or by such Officers who are delegated powers under such provision by the the Collector. The Sub Divisional Officer is not the officer who can be delegated such power by the

collector.

4. The impugned order dated 4th April, 2015 thus passed by the Sub-Divisional Officer is without jurisdiction and is accordingly set aside.

5. The Revision Application No.014 of 2013 dated 4th April, 2015 is restored to file before the concerned Collector. The said revision shall be heard either by the collector or by one of the officer who is authorized by the collector to decide the matter under section 23(2A) of the Mamlatdar's Court Act, 1906.

6. The learned collector or such officer who is delegated with such powers shall decide the matter afresh and without being influenced by the observations made in the impugned order passed by the Sub-Divisional Officer.

7. In view of the fact that the order passed by the Sub-Divisional Officer is set aside by this court by this order, the authority as well as the respondent shall not take any steps pursuant to the said order against the petitioners during the pendency of the revision application. If any adverse order is passed by the concerned collector or the officer having authority to hear the revision application under section 28(2A), such adverse order shall not be implemented against the petitioner for a period of four weeks from the date of communication of such order.

8. Civil Revision Application is allowed in the aforesaid terms.

[R.D. DHANUKA, J.]