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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5623 OF 2017

Sudhir M. Raghoji & Ors.

...Petitioners

V/s.

Vilas H. Rajput & Ors.

...Respondents

Mr.Ashok B. Tajane for the Petitioners.

Mr.Rajshekhar S. Alange i/b Ms.Chaitrali A. Deshmukh for the Respondent No.1.

Ms.Geetanjali Y.Deshmukh, A.G.P. for the State – Respondent Nos.3 and 4.

CORAM : R.D. DHANUKA, J.

DATE : 14TH FEBRUARY, 2018.

P.C. :-

1. Learned counsel for the parties agree that the issue of maintainability of the order passed by the learned Sub-Divisional Officer is concluded by the order and judgment of this Court dated 9th January, 2018 in Writ Petition No.3895 of 2017 in case of **Shrimant Chanmallappa Desai & Ors. vs. Bajrang Ramchandra Dole & Ors.**

The statement is accepted.

2. The impugned order passed by the learned Sub-Divisional Officer dated 22nd February, 2016 is accordingly set aside. The proceedings are restored to file.

3. The matter shall be heard *de-novo* by the learned Additional Collector, Solapur or any such officers, who is delegated such powers prescribed in section 23(2-A) of the Mamlatdars' Courts Act, 1906. The concerned officer, who is empowered to decide the proceedings, shall decide the matter without being influenced by the observations made and the conclusion drawn in the impugned order and in accordance with law expeditiously.

4. The parties are directed to appear before the concerned Additional Collector, Solapur on 1st March, 2018 at 3:30 p.m. The Additional Collector or such officer as well as the parties to act on the authenticated copy of this order.

5. The writ petition is disposed of in aforesaid terms. No order as to costs.

6. All contentions raised by the petitioners in the revisional proceedings filed by the respondents which were disposed of by the learned Sub-Divisional Officer as well as all the contentions raised by the respondents herein in this writ petition are kept open.

(R.D. DHANUKA, J.)