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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.31045 OF 2017

Ravindra B. Sanas	...Petitioner
V/s.	
Jitendra A. Barge	...Respondent

Mr.Shankar Katkar i/b Ms.Manisha Devkar for the Petitioner.
Mr.Kirankumar Phakade for the Respondent.
Ms.G.R. Golatkar, A.G.P. for the State – Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 13TH MARCH, 2018.

P.C. :-

1. Rule. Learned counsel for the respondent waives service.

By consent of parties, the matter is heard finally.

2. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 15th July, 2017 passed by the learned Sub-Divisional Officer, Koregaon, Satara in Revision Application No.107 of 2016.

3. This Court by a judgment and order dated 11th December, 2017 in case of **Shri Vilas Gajanan Bhujbal & Ors. vrs. Sou.Pushpa Chandrakant Dabhade & Ors.** in Writ Petition No.11598 of 2014, has held that the Sub Divisional Officer is not empowered to decide the appeal under section 23(2A) of the

Mamlatdar's Courts Act, 1906. In my view, learned Sub Divisional Officer had no jurisdiction to pass an order in Revision Application No.107 of 2016.

4. The order dated 15th July, 2017 passed by the learned Sub Divisional Officer is without any jurisdiction and is accordingly set aside. The Revision Application No.107 of 2016 is restored to file before the learned Additional Collector, Koregaon, Satara. The Additional Collector himself shall decide the said revision application or delegate such powers to one of the officers recorded in section 23(2A) of the Mamlatdar's Courts Act, 1906.

5. The learned Sub Divisional Officer, Koregaon, Satara is directed to remit the papers and proceedings in the said Revision Application No.107 of 2016 before the learned Additional Collector within one week from the date of communication of this order.

6. Learned Additional Collector shall himself or such officer who is empowered to decide the said revision application shall decide the matter afresh without being influenced by the observations made and the conclusion drawn in the order dated 15th July, 2017 and in accordance with law. The Additional Collector or such officer, who is having power to decide the said revision application, shall dispose of the same within four months from the date of the first meeting.

7. The parties are directed to remain before the Additional

Collector, Koregaon, Satara on 28th March, 2018 at 3:00 p.m. If the learned Additional Collector has delegated his powers to any of the officers recorded under section 23(2A) of the Mamlatdar's Courts Act, the parties shall appear before such officer. The petitioner is directed to convey this order to the learned Additional Collector as well as to the learned Sub Divisional Officer for compliance.

8. Rule is made absolute in aforesaid terms. No order as to costs.

9. All the parties as well as the authorities concerned to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)