

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

12 WRIT PETITION NO.1708 OF 2018

RATANSING MANSING PARDESHI
VERSUS
ZUMBARBAI BALCHAND PARDESHI AND ANOTHER

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Advocate for Petitioner : Shri Wani Girish V.
Advocate for Respondent 1 : Shri Deshmukh Mahesh S.
AGP for Respondents / State : Shri Yadav (Lonikar) S.R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: April 15, 2019

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PER COURT :-

1. The petitioner / original complainant is aggrieved by the order dated 11.1.2018, passed by the Additional Commissioner, Nasik, by which, the proceedings are remitted to the District Collector, Jalgaon for a rehearing. Grievance of the petitioner is that this is a second round of litigation and the said Additional Commissioner has been frequently passing orders of remand.

2. Leave to add the Additional Commissioner, Nasik and the District Collector, Jalgaon as respondent Nos.3 and 4. Addition be carried out forthwith. Notice is being issued to the added respondents, and the learned AGP accepts the notice on their behalf.

3. Since the impugned order is dated 11.1.2018 and this Court has not granted any relief to the petitioner, that I am not causing an interference in the said order. I have taken into account the contention

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of the learned AGP that if there are disputed questions involved as has been canvassed by the learned counsel for respondent No.1 as regards a missing report or other details, the District Collector would be the competent authority to decide such disputed issues.

4. In view of the above, this petition is disposed off with a direction to the litigating sides to appear before the District Collector on 29.4.2019 at 3.00 pm. Formal notices need not be issued. The litigating sides should be ready to advance oral submissions as well as tender written notes, if so advised. The District Collector, Jalgaon shall deliver a reasoned order in the matter on 15.6.2019, if not already passed.

5. Considering the controversy between the parties and the contention that the Additional Divisional Commissioner Shri Jyotiba Patil frequently remands matters thereby abdicating his jurisdiction, I deem it appropriate to hold that in the event any aggrieved party approaches the Additional Divisional Commissioner against the order of the District Collector (to be delivered as above), within the limitation period, he shall decide such proceedings within sixty days and deliver a reasoned order refraining from remanding the proceedings.

(RAVINDRA V. GHUGE, J.)

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