

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

26 WRIT PETITION NO.9336 OF 2019

BHAUSAHEB SUBHASH PANDARKAR
VERSUS
SANTOSH GANPAT PANDARKAR AND OTHERS

...
Advocate for Petitioners : Mr.Patekar Narendra B.
AGP for Respondent Nos. 5 & 6 : Mr. S.P. Tiwari
...

CORAM : RAVINDRA V. GHUGE, J.
Date : July 29, 2019

ORAL ORDER :

1. The petitioner is aggrieved by the order dated 8.7.2019, by which, an ad-interim relief of staying the order of the Mamlatdars' Court until the decision in the revision, has been vacated, only because the respondents have filed the Caveat Petition.

2. I have heard the learned Advocate for the petitioner and the learned AGP, on behalf of respondents No. 5 and 6.

3. Firstly, I find that the Revisional Authority has un-necessarily mentioned his designation as the Deputy Collector (Land Acquisiton - 13), Ahmednagar,

while dealing with the revision application under Section 23(2) of the Mamlatdars' Court Act, 1906.

4. Despite the order passed by this Court and though the learned AGP having assured this Court that he will convey to the State Government that this Revisional Authority is using their designation under the Maharashtra Land Revenue Code, this is yet another case wherein, the Revisional Authority has mentioned its status as being an authority under the M.L.R. Code. This needs to be stopped forthwith.

5. The learned AGP shall place a copy of this order before the District Collector, Ahmednagar, for issuing appropriate directions that the Revisional Authority shall properly use their designation under Section 23(2) of the Mamlatdars' Courts Act, 1906.

6. Secondly, when the Revisional Authority has granted ad-interim protection and is dealing

with the Revision Application, there was no reason to vacate the protection granted, merely because the caveat was filed, after he had passed the interim order on 3.7.2019.

7. It is informed that the next date before the Revisional Authority is 5.8.2019.

8. This Court had directed the petitioner, while granting circulation dated 17.7.2019 that the petitioner has to serve notice on the respondents by Speed Post. The service affidavit is placed on record along with a Photostat copy of the speed post acknowledgment receipt, letter issued by the learned Advocate and the tracking report, which would indicate that the said Advocate's notice has been delivered on said respondents. These documents are attached to the Writ Petition paper book, separately.

9. Despite such service, no appearance has been entered by the respondents.

10. Since the hearing in the matter has been posted on 5.8.2019 before the Revisional Authority, this petition is disposed off. The learned AGP makes a statement that it would be just and proper for the Revisional Authority to maintain the status-quo, so as to enable the Revisional Authority to decide the Revisional Proceeding fairly. The said statement is recorded.

11. In view of the above, the Revisional Authority shall make his endeavour for hearing of the Revision Proceeding and it be concluded on 5.8.2019, which is just 6 days from today, and shall decide the said Revision Application on or before 14.8.2019, by passing a reasoned order.

12. Writ Petition accordingly stands disposed off.

(RAVINDRA V. GHUGE)
JUDGE

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