

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.11844 OF 2018  
(Babasaheb s/o Bhimrao Dhakane and others Vs. The State of  
Maharashtra and others)

Mr.A.C.Ambetkar, Advocate for the petitioners.  
Mr.R.B.Dhakane, Advocate for the respondents.  
Mr.S.B.Parnere, Advocate for respondent No.4.

( CORAM : Ravindra V.Ghuge, J.)

DATE : 22/02/2019

PER COURT :

1. The petitioners are aggrieved by the order dated 06/12/2017 passed by the S.D.O. Pathardi by which a revision u/s 23(2) of the Mamlatdars' Courts Act, 1906 has been entertained against an interlocutory order / temporary order passed by the Mamlatdar on 02/09/2005 u/s 5(2) of the 1906 Act. The impugned order is a result of the revision that is preferred in 2017.

2. The petitioners have thereafter approached the Additional District Collector u/s 247 of the M.L.R. Code which proceeding has been rightly rejected by order dated 27/08/2018, which has not been challenged in this petition. By the said order, the Additional Collector has concluded that he has no jurisdiction over the said

matter which originates from the 1906 Act.

3. It is undisputed that the proceedings before the Mamlatdar which led to the interim order dated 02/09/2005, are still pending.

4. I find that the proceedings under the Act of 1906 cannot be entertained under the M.L.R. Code. The Additional Collector has, therefore, rightly passed the impugned order.

5. As such, this petition is disposed off by directing the litigating sides to appear before the Tahsildar, Shevgaon, Dist.Ahmednagar on 25/03/2019 at 11.00 a.m. They shall participate in the said proceedings on the said date onwards and the Tahsildar shall endeavour to decide the said proceedings as expeditiously as possible and in any case on or before 31/05/2019. All the contentions of the litigating sides and the issues involved with reference to the Mamlatdar proceedings, are kept open.

( Ravindra V.Ghuge, J.)