

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13053 OF 2018

PRALHAD MOTIRAM WANKHEDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Shri Nagargoje Ankush N.
AGP for Respondents 1 to 4 : Shri Yadav-Lonikar S.R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 08, 2019

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PER COURT :-

1. This Court (Coram : N.M.Jamdar, J.) had passed an order on 6.12.2018, observing that as the Sub Divisional Officer, who is the revisional authority under Section 23(2) of the Mamlatdar Courts Act, 1906 is hearing the revision filed by the petitioners on 7.12.2018, this matter be posted on 7.1.2019.

2. I find from the submissions of the learned Advocate for the petitioners and the learned AGP that on the one hand, the revisional authority is considering the revision filed by the petitioner and on the other hand, a notice has been issued to the petitioners for implementing the order of the Tahsildar passed under Section 5(2) of the Mamlatdar Courts Act.

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3. In the light of the above, since the revision is pending along with the stay application of the petitioners, the State should have restrained itself. In this backdrop, the learned AGP submits that the Tahsildar would await the decision of the revisional authority so as to give a fair chance of hearing to the petitioners.

4. Considering the above statement, this petition is disposed off.

5. The learned Advocate for the petitioners submits that respondent No.5 has appeared before the revisional authority and the next date of hearing in the matter is posted on 11.1.2019. As such, respondent No.2 / revisional authority shall hear all the litigating sides in the main revision, on the forthcoming date and after conclusion of their submissions on the same date, would close the matter for pronouncing his order on 5.2.2019 at 11.00 am. Copies of the order shall be kept ready, so as to be supplied to the litigating sides on the same date.

(RAVINDRA V. GHUGE, J.)

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