

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.5402/2019

Sau.Usha Babarao Boharupi Vs. The Collector, Amravati and others.

Office notes Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S.Bissa, Assistant Government Pleader for respondent nos. 1 to 3.
Respondent no.4 in person.

CORAM : A.S.CHANDURKAR, J.

DATED : October 09, 2019

Heard finally considering the short issue involved.

The order dated 29.06.2019 passed by the Sub-Divisional Officer refusing to stay the order passed by the Naib Tahsildar in the proceedings under Section 7 of the Mamlatdar Courts Act, 1906 is under challenge.

Only ground of challenge is that without furnishing any reasons, the application for stay has been rejected. Moreover, it has not been examined whether the proceedings as filed by the respondent no.4 are maintainable or not.

Heard Shri Bissa, learned Assistant Government Pleader for respondent nos. 1 to 3 and the respondent no.4 who is present in person. Since no reasons are given in the order dated 29.06.2019, that order is liable to be set aside. The application for stay as moved by the petitioner is liable to be heard afresh by the Sub-Divisional Officer. The petitioner and the respondent no.4 herein are liable to be heard before adjudicating that application.

Accordingly, the order dated 29.06.2019 passed by the Sub-Divisional Officer is set aside. The Sub-Divisional Officer shall decide the application afresh on its own merits by giving reasons in the order. The application be decided expeditiously. All points on merits are kept open.

With these directions, the writ petition is disposed of. No costs.

JUDGE

Andurkar.