

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 6368/2019

(BHIMRAO SHANKARRAO KAWADKAR **VERSUS** SUB-DIVISIONAL OFFICER, AKOLA & OTHERS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri A.M. Tirukh, counsel for petitioner.
 Shri S.B. Bissa, A.G.P. for R-1 & 2.

CORAM : A.S. CHANDURKAR, J.

DATE : SEPTEMBER 18, 2019.

Heard Shri A.M. Tirukh, learned counsel for the petitioner and Shri S.B. Bissa, learned Assistant Government Pleader for the respondent nos.2 and 3. It is not necessary to issue notice to other respondents in view of the order proposed to be passed.

The Sub-Divisional Officer by his order dated 24.07.2019 has remanded the proceedings to the Naib-Tahsildar for fresh adjudication by observing that it was necessary for the original applicants to comply with various provisions of the Mamlatdar Courts Act, 1906. An apprehension is expressed on behalf of the petitioner that as on earlier occasions such procedure was not followed, it is likely that even after remand, the prescribed procedure may not be followed.

In view of the fact that the Sub-Divisional Officer has remanded the proceedings for fresh consideration, it is expected that the Naib Tahsildar would follow all the provisions of the Mamlatdar Courts Act while adjudicating the application under Section 5 of the said Act. The proceedings shall be decided in accordance with the prescribed procedure by giving due opportunity to the parties.

Learned Assistant Government Pleader to communicate this order to the respondent no.2.

The Writ Petition is accordingly disposed of. No costs.

JUDGE

APTE