

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

WRIT PETITION NO. 2321 OF 2008

(Tejrao S/o Ruprao Bahekar and another Vs. The Sub Divisional Officer, Buldhana
and others)

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

Court's or Judge's orders.

Shri R.D.Karode, counsel for the petitioner.
Shri A.M.Joshi, learned A.G.P. for the respondent
no.1 and 2.
Shri Anilkumar J. Thakkar, counsel for the
respondent no.7.

CORAM : ANIL S KILOR, J.
DATE : 11th MARCH, 2020.

In the present matter, the challenge is made to the order dated 12th March, 2018 passed by the Sub Divisional officer in a revision proceeding arising out of the order dated 27th July, 2016 passed by the learned Naib Tahsildar in Revision Case No. M.C.A.-5/Kinhola/19/2013-2014 under the Mamlatdar Court's Act, 1906.

2. This Court while issuing notice on 20th April, 2018, considered the grievance raised by the petitioner in the present petition that the petitioners were not impleaded as party before the Mamlatdar Court and the revision application filed against the order passed by the Mamlatkar, the same has not been entertained by the Sub Divisional officer on the

ground that petitioner ought to have got impleaded before the Tehsildar.

3. Shri Thakkar, learned counsel for the respondent no.7, original applicant before the Mamlatdar Court, fairly states that he will withdraw the original application under the Mamlatdar Court's Act, 1906 and prays for liberty to file a fresh application.

4. In view of the requests made by the learned counsel for the respondent no.7 to allow to withdraw the application under the Mamlatdar Court's Act, 1906, nothing survives in the present petition.

5. Accordingly, the writ petition is disposed of with liberty to respondent no.7 to file an application under the provisions of Mamlatdar Court's Act, 1906, a fresh, if he so desires.

6. If any proceeding is filed by the respondent no.7, the Tehsildar may ignore the period consumed before the Sub Divisional officer and before this Court, while considering limitation.

7. The writ petition is disposed of.

JUDGE