

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.12953 OF 2019

Sarang S/o Avinash Joshi

...PETITIONER

VERSUS

The State of Maharashtra
and others.

...RESPONDENTS

AND

WRIT PETITION NO.12573 OF 2019

Madhuri Pandurang Joshi

...PETITIONER

VERSUS

The State of Maharashtra
and others.

...RESPONDENTS

AND

WRIT PETITION NO.12576 OF 2019

Pallavi Sarang Joshi

...PETITIONER

VERSUS

The State of Maharashtra
and others.

...RESPONDENTS

AND

WRIT PETITION NO.13439 OF 2019

Sarjerao Ganpat Thokal

...PETITIONER**VERSUS**The State of Maharashtra
and others.**...RESPONDENTS**

...
Mr.Kiran D. Jadhav Advocate for Petitioners.
Mrs.Geeta L. Deshpande, A.G.P. for Respondents No. 1 and 2.
Mr.G.S. Rane Advocate for Respondent No. 3.
...

**CORAM: SUNIL P. DESHMUKH AND
ABHAY AHUJA, JJ.**

DATE : 8th MARCH, 2021

ORDER :

1. There is consensus with respect to the fact that sub divisional officer who had passed impugned orders, would not have jurisdiction to pass such orders. Similar matters were before this court in a group of writ petitions bearing writ petition No. 14315 of 2018 and other companion matters, and those have been disposed of by order dated 21st January 2019, observing, thus:-

" 5. It is, therefore, obvious that the impugned orders were passed by an authority which did not have the jurisdiction to do so. It is also undisputed, in view of the above referred judgments of the Honourable Apex Court and

the learned Division Bench of this Court, that the claims of the respondents / farmers in these cases and the disputes raised by them, will have to be considered by the District Judge.

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7. Since these matters are being referred to the District Judge at Aurangabad for adjudication, it would be appropriate to leave all contentions of the litigating sides open. However, I would be making certain observations about the unpaid amounts and the panchanama, while disposing of these matters today. It is, however, noted that the document cited by Advocate Shri Thombre, is not a panchanama. "

2. In view of aforesaid, we follow the course charted by this court under its order dated 21st January 2019 in present petitions, as well.

3. The writ petitions are partly allowed. The impugned orders delivered by the sub divisional officer, Aurangabad are set aside. The disputes raised by the petitioners / farmers are remitted to the district judge, Aurangabad.

4. Having regard to observations in the order, referred to above, the principal district judge shall assign these matters to the same district judge.

[ABHAY AHUJA, J.]

[SUNIL P. DESHMUKH, J.]