

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12641 OF 2021

**(Sandip Bhausahab Pacharane and others Vs. The State of Maharashtra
and others)**

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Mr. Arvind G. Ambetkar, Advocate for the petitioners

Mr. P.N. Kutti, A.G.P. for the respondent/State

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CORAM : MANGESH S. PATIL, J.

DATE : 01.12.2021

PER COURT :

Heard the learned Advocate for the petitioners.

2. Being aggrieved by the order passed by the Mamlatdar under Section 5(2) of the Mamlatdar's Courts Act, 1906, they erroneously preferred an appeal under Section 247 of the Maharashtra Land Revenue Code, 1966. It was dismissed by the learned Sub-Divisional Officer on 17.09.2021. They thereafter preferred a revision under Section 23(2) of the Mamlatdar's Courts Act. Since there was a delay, they also filed an application for its condonation on 27.09.2021.

3. The learned Advocate for the petitioners submits that even without taking up the revision for decision, an attempt is now being made to execute the order passed by the Mamlatdar under Section 5(2). A serious prejudice would be caused to the petitioners if such a course is allowed to go on.

4. The learned A.G.P, on instructions, submits that the learned Sub-Divisional Officer has now heard the petitioners on the delay condonation application, which was the reason why the revision was not registered. He is likely to pass some order on the application for condonation of delay by tomorrow. Depending upon the decision, a further course would be followed.

5. In view of such state-of-affairs, keeping open all the avenues to the petitioners, either to challenge the order on the delay condonation application if it goes against them or seeking stay to the operation of the order passed by the learned Mamlatdar if the delay condonation application is allowed and the revision is registered, the Writ Petition is disposed of.

6. In order to give some breathing time, the operation of the order of Mamlatdar shall stand stayed for a period of one week.

[MANGESH S. PATIL]
JUDGE