

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

WRIT PETITION NO. 9441 OF 2021

Sudamsing Bhagwansing Rajput & Anr.

...Petitioners

Versus

The Sub Divisional Officer & Ors.

...Respondents

.....

Shri. Prakashsing B. Patil, Advocate for the petitioners

Shri. P. G. Borade, AGP for respondent/State

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : MARCH 7TH, 2022

PER COURT : -

1. By this petition, the petitioner has impugned an order passed by the Tahsildar, Shirpur, dated 02.02.2018 in Vahiwat Case No. 24/2017, which came to be confirmed by the Sub-Divisional Officer, Shirpur on 15.10.2020, thereby dismissing the appeal of the petitioner.

2. Pursuant to the order passed by this Court, the Tahsildar, Shirpur is present in-person. The learned AGP, on instructions, makes a statement that the Tahsildar has principally agreed to look into the matter again and would pass necessary orders in view of

Section 143 of the Maharashtra Land Revenue Code, 1966, after giving notices to the respective parties and hearing them in accordance with law.

3. In view of the statement made by the learned AGP, the impugned orders passed by the Tahsildar and confirmed by the Sub-Divisional Officer, Shirpur, are quashed and set aside.

4. The matter is remanded back to the Tahsildar to re-hear the parties in view of the aforesaid provision and shall decide the right of way over the boundaries. The Tahsildar shall decide the matter within a period of three (03) months from today.

5. It is made clear that this Court has not expressed any view on the merits of the petition.

6. The parties shall cooperate with the Tahsildar in getting the case decided without any adjournments.

7. The petition stands disposed off in aforesaid terms.

[PRITHVIRAJ K. CHAVAN]
JUDGE