

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 WRIT PETITION NO.7265 OF 2022

RAJENDRA DATTATRYA TANPURE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SUB DIVISIONAL
MAGISTRATE AND OTHERS

...
Advocate for Petitioners : Ms. Khatmode Rutuja Harish
AGP for the respondent – State : Mr. K.B. Jadhavar
...

CORAM : MANGESH S. PATIL, J.

DATE : 15 JULY 2022

PC :

Heard learned advocate Ms. Khatmode.

2. The petitioners are aggrieved by the order passed by the respondent no. 1 - Sub Divisional Officer in their proceeding under section 23(2) of the Mamlatdars' Courts Act, 1906 whereby they were intending to challenge the order passed by the *Mamlatdar* under section 5(2) of the Act on 30-06-2016.

3. Learned Sub Divisional Officer has refused to entertain the revision by holding that there was enormous delay of 5 years 7 months and 20 days and there were no sufficient and cogent reasons to overlook it.

4. An error has been committed by the Sub Divisional Officer in treating the revision preferred by the petitioners as the one filed under section 257 of the Maharashtra Land Revenue Code, 1966 when

it was a revision under section 23(2) of the Mamlatdars' Courts Act, 1906.

5. However, in my considered view, the scenario would not change merely because the learned Sub Divisional Officer has referred to an incorrect provision. The fact remains that there was an enormous delay of 5 years and 7 months and more.

6. Learned advocate for the petitioners would submit that there was some amicable settlement in the meantime and it is only after the dispute reoccurred that the revision was filed by the petitioners to challenge the order of the *Mamlatdar*.

7. I am afraid this cannot be the reason to overlook the enormous delay in approaching this Court or even the learned Sub Divisional Officer.

8. Writ petition is dismissed.

[MANGESH S. PATIL]
JUDGE

arp/