

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

WRIT PETITION NO.8127 OF 2022

**ARJUN BHIMRAJ PANDIT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHERS**

...

Advocate for the Petitioners : Shri Tungar Hrishikesh V.
AGP for the Respondents/State : Shri P.S.Patil

...

**CORAM : RAVINDRA V. GHUGE
&
ARUN R. PEDNEKER, JJ.**

DATE :- 11th August, 2022

Per Court :-

1. We have considered the submissions of the learned advocate for the petitioners and the learned AGP. With their assistance, we have perused the order passed by the Sub Divisional Officer, Rahuri, dated 30.07.2021 in Revision Application No.217/2020, more particularly the operative part, which reads as under :-

"आदेश

- १) वादी यांचा रिव्हिजन अर्ज अंशतः मान्य करण्यात येत आहे.
- २) तहसीलदार राहुरी यांनी रस्ता केस ५६/२०२० मध्ये

दिलेला निर्णय रद्द करण्यात येत आहे.

- ३) निर्णयपत्रातील निष्कर्षात नमूद मुद्द्यावर योग्य ती चौकशी करून, तसेच हितसंबंधिताचे म्हणणे घेऊन तहसीलदार यांनी तीन महिन्यांचे आत गुणवत्तेवर निर्णय पारीत करावा.
 - ४) खर्चाबाबत आदेश नाही. आदेशाची समज संबंधितांना देण्यात यावी.
 - ५) सदरचा आदेश www.eqjcourts.gov.in या संकेतस्थळावर प्रसिद्ध करणेत आला आहे.
- राहुरी, दिनांक ३०/०७/२०२१"

2. The Sub Divisional Officer was exercising his revisional powers under Section 23(2) of the Mamlatdars' Courts Act, 1906. In his discharge of duties, he has directed in clause 3 reproduced above, that the Tahasildar should decide the entire matter by following a particular procedure on it's merits within three months. This order was passed on 30.07.2021. The petitioners were compelled to approach this Court on 12.07.2022 due to the inaction on the part of the Tahasildar (Mamlatdar under Section 5(2) of the Mamlatdars' Courts Act, 1906).

3. On instructions, the learned AGP narrates to us

several difficulties being faced by the Tahasildar. The learned AGP has placed before us the communication received by him from the Tahasildar, Rahuri, dated 11.08.2022 setting out various difficulties that he is facing. The said communication is marked as “X” for identification.

4. The administrative issues in discharge of official functions, cannot be brought before this Court as a ground for not performing duties despite expiry of three months. It is almost 10 months beyond the timeline that the Tahasildar does not appear to have done anything. Merely resorting to a blame game, would not lead to discharge of official duties and more so, when the revisional authority has directed the Mamlatdar. In these circumstances, we find that Section 10 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 comes into play.

5. In view of the above, this Writ Petition is disposed off with the direction to respondent No.2 to ensure that the directions of the Sub Divisional Officer, Rahuri, are implemented on or before 15.10.2022.

6. So also, we are directing the District Collector, Ahmednagar to take recourse to Section 10 of the Maharashtra

Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 and initiate appropriate steps by following due procedure laid down in law and by adhering to the principles of natural justice with regard to the conduct of the concerned Tahasildar.

7. The learned Registrar (Judicial) of this Court shall place this order before the District Collector, Ahmednagar.

kps

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)