

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

945 WRIT PETITION NO.9007 OF 2022

THE ANANTPAL DEVSTHAN SHIRUR ANANTPAL THROUGH ITS PRESIDENT
VERSUS
ANANT VITTHAL JOSHI AND OTHERS

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Advocate for Petitioner : Mr. Gunale V.D.
AGP for Respondents/State : Mr. S.N. Morampalle
Advocate for R/2 : Mr. Brahmanand M. Dhanure

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CORAM : M.G. SEWLIKAR, J.
DATE : 6th September, 2022

PC.:-

Heard.

2. The Collector had decided the appeal preferred by respondent nos.1 and 2. Against this order respondent nos.1 and 2 preferred appeal before the Sub-Divisional Officer (Atiyat), Nilanga and the SDO had also decided the proceedings. Against the decision of Sub-Divisional Officer appeal was preferred before the Collector. Against the decision of Collector appeal was preferred to M.R.T. The learned M.R.T. found that the Sub-Divisional Officer had not given opportunity to the respondent nos.1 and 2 herein. He found that the proceedings was listed on 10th May, 2019 and it was decided on 28th March, 2019. Learned counsel for the petitioner submits that on 10th

May, 2019 the proceedings were listed for judgment. Learned counsel for the respondents disputes the position. He submits that the Sub-Divisional Officer had posted it for hearing only. None of the parties has placed Roznama on record. Be that as it may, it is clear that on 10th May, 2019 the proceedings were listed. However, on 28th March, 2019 the Sub-Divisional Officer pronounced the judgment. Therefore, there is substance in the observations made by the learned Member, M.R.T.

3. The learned Member, M.R.T. therefore remanded the matter to the Sub-Divisional Officer. The Sub-Divisional Officer shall decide the proceedings before him within a period of four months. Parties to co-operate the Sub-Divisional Officer to dispose of the proceedings within the stipulated period on its own merits. The learned Sub-Divisional Officer shall not get influenced by any observations made in the order by the Member, M.R.T. and can come to its own conclusion. Writ petition is disposed of. No costs.

[M.G. SEWLIKAR, J.]