

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

917 WRIT PETITION NO.10807 OF 2022

**MOHAMMAD ABDUL GAFFOR S/O MOHAMMAD ABDUL SALLEM
VERSUS
SHAIKH SATTAR S/O SHAIKH MAHMOOD**

...
Advocate for Petitioner : Mr.Shaikh Kayyum Najir

...

CORAM : SANDEEP V. MARNE, J.

DATE : 18.10.2022.

PER COURT :

1. By this petition, the petitioner assails the order dated 12.09.2022 passed by the Jt.Civil Judge, Junior Division, Georai, District Beed on applications below Exh. 171 and 172. By that order the trial Court has directed the Tahsildar to decide the issue of tenancy afresh by giving opportunity to both the sides to lead their evidence.

2. The learned Counsel appearing for the petitioner submits that the Tahsildar had already decided the issue of tenancy by order dated 21.08.2018 and therefore, the trial Court ought not to have directed the Tahsildar to re-decide the same issue in the interim order.

3. The order dated 12.09.2022 has been passed by the trial

Court in pursuance of the order dated 23.09.2022 passed by this Court in Writ Petition No. 4819 of 2021. The order was passed by this Court after hearing the Counsel for the petitioner who was respondent in that petition. The Tahsildar's order dated 21.08.2018 was relied upon by the trial Court while passing the order dated 01.03.2021, which was the subject matter of challenge before this Court in Writ Petition No. 4819 of 2021. It, therefore, cannot be said that the trial Court was not aware of the earlier decision of the Tahsildar dated 21.08.2018 while passing the order dated 23.09.2021.

4. Since the trial Court's order dated 12.09.2021 is passed in pursuance of the orders passed by this Court, there is no merit in the petition and the same is dismissed without any orders as to the costs.

5. The Tahsildar is however, directed to decide the question of reference as expeditiously as possible, preferably within a period of six months from today.

(SANDEEP V. MARNE)
JUDGE

mahajansb/