

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 196 of 2022

(1) Ganesh Shivhari Bangale
Age 32 yrs, Occ. - Agriculturist,
R/o. Singaon Jahagir, Ta-Deulgaon,
Dist. - Buldhana.

(2) Shivhari Rangnath Bangale,
Age - 60 yrs, Occ. - Agriculturist,
R/o. Singaon Jahagir, Ta-Deulgaon,
Dist. - Buldhana.

... Petitioners

... Versus ...

(1) Sub-Divisional Officer,
Sindakhed Raja, Dist.-Buldhana

(2) The Tahsildar, Deulagaon Raja,
Dist - Buldhana.

(3) Shivaji Vithoba Pawar,
Age-62 yrs, Occ-Agriculturist.

(4) Vishnu Ramrao Pawar,
Age-62 yrs, Occ-Agriculturist.

(5) Prakash Gyanba Pawar
Age-59 yrs, Occ-Agriculturist.

(6) Ramdas Gyanba Pawar
Age-45 yrs, Occ-Agriculturist.
All R/o. Singaon Jahagir, Ta-Deulgaon,
Dist. - Buldhana.

... Respondents

Mr. P. S. Kshirsagar, Advocate for the petitioners
Mr. N. R. Rode, A. G. P. for the State/respondents 1 and 2
Mr. N. B. Kalwaghe, Advocate for respondents 3 to 6

CORAM : ROHIT B. DEO, J.
DATED : 25-4-2022

ORAL JUDGMENT

Rule. Rule made returnable forthwith. Heard with consent of learned counsel appearing for the parties.

2. The challenge is to the order rendered by the Mamlatdar and that rendered by the revisional authority in exercise of jurisdiction under Section 23(2) of the Mamlatdars' Courts Act whereby the petitioners who are original non-applicants are directed to remove the obstruction and clear the access which according to the original plaintiff, he is entitled to use.

3. I need not delve deeper in the respective contentions since I have found that the order of the revisional authority is virtually unreasoned. All that is recorded by the revisional authority is that the Mamlatdar has correctly passed the order after following the due procedure and inspecting the spot.

4. As a quasi judicial authority, exercising statutory power of revision, it was expected of the authority to record findings on the respective contentions, and at any rate, briefly.

5. The order of the revisional authority is set aside and the matter is remitted for fresh consideration.
6. The parties shall appear before the revisional authority on 2-5-2022 without expecting separate notice.
7. The revisional authority shall decide the revision as expeditiously as possible, and in any event, within thirty days from the date of appearance of the parties.
8. It is made clear that the merits of the matter have not been considered.
9. Petition is disposed of in the aforestated terms.

JUDGE

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