

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 7621 OF 2019

Giridhar Laxman Patale

Vs.

Hon'ble Minister, Department of Revenue, Mantralaya, Mumbai and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. P.A. Kadu, Advocate for petitioner.

Mr. H.D. Dubey, AGP for respondent/State.

CORAM : MANISH PITALE J.

DATE : 04.05.2022.

When this petition came up for consideration on 19.11.2019, this Court passed the following order:

"It is submitted by the learned counsel for the petitioner that against the order passed by the Sub-Divisional Officer on 12.12.2018, the respondent no.4 directly invoked jurisdiction of the State Government under Section 257 of the Maharashtra Land Revenue Code. The remedy available before the Collector and thereafter the Additional Commissioner has not been invoked. The Hon'ble Minister despite recording a finding that the order passed by the Sub-Divisional officer was without reasons, erred in not remanding the proceedings to the Sub-Divisional officer for re-consideration. There was no reason to therefore restore the order passed by the Tahsildar.

Issue notice, returnable on 16.12.2019.

Shri H.Dube, learned Assistant Government Pleader waives notice for the respondent nos. 1 to 3.

Position as prevailing today shall continue to operate until further orders”

2. The learned counsel for the petitioner has invited attention of this Court to the impugned order dated 19.08.2019, whereby the State through the Minister has observed that the order of the Sub-Divisional Officer was cryptic and yet, instead of remanding the matter to the Sub-Divisional Officer, the order of the Tahsildar was erroneously restored.

3. This Court has perused the impugned order. Heard learned counsel for the rival parties. There is substance in the aforesaid contention raised on behalf of the petitioner, inasmuch as a perusal of the order of the Sub-Divisional Officer would show that it is indeed cryptic and bereft of proper reasons. In such a situation, having observed the said lacuna in the order of the Sub-Divisional Officer, the State through the Minister ought to have remanded the matter back to the Sub-Divisional Officer for proper consideration on merits.

4. To that extent, interference in the impugned order is necessary. Accordingly, the writ

petition is partly allowed. The impugned order is modified to the extent that instead of restoring the order of the Tahsildar, it is directed that the matter shall stand remanded to the Sub-Divisional Officer for consideration afresh, in accordance with law.

5. The parties shall appear before the Sub-Divisional Officer, Pandharkavda on 17.05.2022. The Sub-Divisional Officer shall decide the said proceedings within six weeks from 17.05.2022.

6. Accordingly, the writ petition is disposed of in above terms.

JUDGE

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GABHANE

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