

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

948 WRIT PETITION NO.292 OF 2021

MOHAMMAD ABDUL FAHAD KAFIL & OTHERS
VERSUS
THE SUB DIVISIONAL OFFICER AND SUB-DIVISIONAL
MAGISTRATE & OTHERS

...

Advocate for the petitioners : Mr.R.D.Khadap
AGP for Respondent-State : Mr.K.B.Jadhavar
Advocate for Respondent no.3 : Mr.Sayyad Tauseef Yasin

...

WITH

WRIT PETITION NO.250 OF 2021

BHARAT DADARAO YADAV & OTHERS
VERSUS
THE ADDITIONAL COLLECTOR, BEED & OTHERS

...

Advocate for the petitioners : Mr.Y.K.Bobade
AGP for Respondent-State : Mr.K.B.Jadhavar
Advocate for Respondent no.3 : Mr.Sayyad Tauseef Yasin
Advocate for the respondent nos.4 to 6 : Mr.C.C.Deshpande

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CORAM : ARUN R. PEDNEKER, J.

DATE : 27.09.2023

P.C. :

- 1] Heard the learned counsel for the parties.
- 2] The parties are ad-idem that the matters can be remitted back.

3] The learned counsel for the petitioners submits that the application filed before the Mamlatdar itself is barred by limitation.

4] It appears that the authorities below have not conducted the proceedings as contemplated under the provisions of the Mamlatdars Courts Act. The spot panchayat does not depict ground situation with clarity.

5] In view of the same, the order dated 04.12.2020 passed by the respondent no.1 and the order dated 30.06.2020 passed by the respondent no.2 are quashed and set aside. The matters are remitted back to the Mamlatdar for afresh adjudication and the Mamlatdar is directed to decide the remitted matter within a period of six months from the date of receipt of the order of this Court.

6] Till disposal of the proceedings pending before the Mamlatdar Courts, the interim order passed by this Court dated 11th January, 2021 would continue.

7] Writ Petitions are disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE