

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

906 WRIT PETITION NO.6934 OF 2023

**ROHINI BABASAHEB ALIAS SACHIN DASHRATHE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS**

...

Advocate for Petitioners : Mr. Golewar Vishwanath P.
AGP for Respondents State: Mr. S.W. Munde

CORAM : RAVINDRA V. GHUGE, &
Y. G. KHOBRAGADE, JJ.

DATE : 6th July, 2023

ORDER:

1. This is yet another case of delay in discharge of duties by the then Tahsildar namely, Shri Narendra Deshmukh. The present Tahsildar who has filed the affidavit-in-reply dated 05.07.2023 is Mrs. Yogita Shivdas Khatavakar. She has joined on 8th June, 2023. She has responded to this petition since she is presently a Tahsildar at Ghansawangi.

2. The hearing in this matter commenced yesterday and was posted today to enable the Tahsildar to file an affidavit-in-reply. After we asked the learned AGP as to whether the affiant before us is the same Tahsildar whose delay in discharging duties is prima facie visible, it is then that the learned AGP submits, after speaking to the Tahsildar in Court, that she is not the same Tahsildar and she has joined on 8th

June, 2023. We, therefore, find that the present Tahsildar Mrs. Khataavakar is not at fault and there is no reason for her to tender an apology.

3. Considering the record, it is apparent that after the learned Family Court issued the order dated 13.11.2021, for attaching the property of the petitioner's husband, the then Tahsildar reacted by letter dated 03.01.2022, directing the Circle Officer and Talathi to take appropriate steps. It was after more than one year, that the the Tahsildar issued a demand notice dated 11.01.2023. The charge on the property of Respondent No.4 was created on 15.02.2023. Thereafter, an attachment order was issued on 12.05.2023 only after the then Tahsildar received a show cause notice from the Family Court dated 02.05.2023.

4. The learned AGP submits on instructions that the valuation of the property would be carried out through the Sub Registrar, Ghansawangi, within 30 days from today. Thereafter, the auction process with the necessary proclamation would be commenced immediately and without causing any delay.

5. With the above submissions recorded, this **petition is disposed off.**

6. However, we deem it appropriate to direct the District Collector, Jalna to call for an explanation from Shri Narendra Tabaji Deshmukh, who is presently posted as Administrative Officer at the Deputy Chief Minister's Office, Mantralaya, Mumbai, for the delay in discharge of duties considering Section 10 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005. Thereafter, the District Collector would deal with the said officer as is prescribed in law and by following the due procedure as is applicable. The conclusion on the said aspect, be reported to this Court through the learned Registrar (Judicial).

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan