

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

910 WRIT PETITION NO.8551 OF 2023

**KAILAS DIGAMBAR PARVE
VERSUS
THE SUB DIVISIONAL OFFICER SELU AND OTHERS**

...
Advocate for Petitioner : Mr.Borulkar Avinash R.
AGP for Respondents/State : Mr. K.N.Lokhande
...

CORAM : KISHORE C. SANT, J.

DATE : 21.07.2023.

PER COURT :

1. This petition was filed as the learned SDO had not entertained Revision filed by the Petitioner, as per the allegations, under Section 23 (5) of the Mamlatdar's Court Act, 1906. The Revision Petition was however wrongly filed as appeal and was presented on 07.06.2023. The allegations of the petitioner were that the petitioner in the mean time has received the a notice from the Tahsildar, Jintur, dated 13.07.2023 directing the Superintendent of Police to provide security. The parties are also directed to remain present on spot on 18.07.2023 for giving way to the Respondent. The said notice was received by the petitioner on Sunday i.e. on 16.07.2023 and

therefore, the petitioner rushed to this Court. The petitioner was protected by the interim order, in view of urgency expressed in the petition.

2. The learned AGP was directed to ascertain as to the position in the Revision Petition that was filed by the petitioner. Now the learned SDO, Selu, District Parbhani has informed that the Revision Petition was filed with an application for condonation of delay. The proceedings is now kept for hearing on application for condonation of delay, as well as application seeking stay to the order passed by the Tahsildar under Section 5 of the Mamlatdar's Courts Act dated 07.11.2022.

3. In view of this position, interim relief is extended till 28.07.2023, till the order is passed on the stay application by the learned SDO.

4. It is expected of the learned SDO to dispose off the Revision Petition within a period of two months after 28.07.2023.

5. Since this Court finds that the petition can be

conveniently be disposed off in the above terms. This Court thinks that notice is not necessary to other respondents as no prejudicial order is passed to their rights on merits. The petition stands disposed off in above terms.

(KISHORE C. SANT)
JUDGE

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