

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 1784 OF 2023**

Dattatrya Kondiba Pawar and Ors.

.. Petitioners

Versus

State of Maharashtra and Ors.

.. Respondents

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- Mr. Vaibhav V. Ugle, Advocate for Petitioners
 - Mr. S. H. Kankal, AGP for Respondent - State
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CORAM : MILIND N. JADHAV, J.**DATE : FEBRUARY 17, 2023.****P.C.:**

1. Heard Mr. Ugle, learned Advocate for Petitioners and Mr. Kankal, learned AGP for Respondent-State.
2. Present Writ Petition takes exception to the order dated 02.01.2023 at page No. 62 of the Petition passed by the learned SDO under the Mamlatdar Courts Act, 1906 in Revision proceedings.
3. Mr. Ugle would submit that the order under Section 5 of the said Act has been passed by the learned Tahasildar in favour of the Petitioners, however by virtue of the impugned order the said order has been upset without notice to the Petitioners. The said order thus is solely unsustainable and cannot be countenanced. Hence the order dated 02.01.2023 is quashed and set aside. Matter is remanded back to the Appellate Court for a fresh hearing on the Revision proceedings.

4. Needless to state that the pending Revision proceedings shall be heard after hearing the Petitioners and only thereafter appropriate order on the said application shall be passed.
5. All contentions of the parties are expressly kept open.
6. With the above directions, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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