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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9965 OF 2019

Mr. Suresh Bansi Dhivar ...Petitioner

Versus

Mr. Baban Ranaji Bhorkade And Ors. ...Respondents

.....

Mr. Amey Deshpande a/w Ms. Vandana Bait for the Petitioner.

Mr. Ketan Arun Dhavle for Respondent Nos.1 to 8.

Mr. S. D. Rayrikar, AGP for Respondent No.9/State.

.....

CORAM : N.R. BORKAR, J.

DATED : 3 AUGUST 2023

P.C. :-

By the order impugned, the respondent No.9-Deputy Collector has confirmed the order passed by the Tahsildar / Mamlatdar dated 16 January, 2018 under Section 5 of the Mamlatdar Courts Act.

2. Considering the facts and circumstances, appropriate remedy for the petitioner would be to file civil suit. If such suit is filed, the Civil Court shall decide it on its own merit without being influenced by the orders impugned as in terms of Section 22 of the Mamlatdar's Courts Act, the orders passed under the said Act are subservient to order / decree passed by the competent civil court.

3. The Petition is disposed of in aforesaid terms.

(N.R. BORKAR, J.)