



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.3363 of 2022

**GAUTAM S/O. MAHADEO MESHAM AND ANOTHER
VS**

SUB DIVISIONAL OFFICER, KELAPUR, YAVATMAL AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M.I. Dhatri, Advocate for the Petitioner/s
Shri D.P. Thakare, Addl.G.P. for the Respondent Nos.1 and 2/State
Shri K.J. Topale, Advocate for the respondent Nos.6,7,8, 12 to 14

CORAM : ANIL S. KILOR, J.

DATED : 09.10.2023

1. Heard.
2. The order dated 22.03.2017 passed by the Sub Divisional Officer, Kelapur, dismissing the revision application and upholding the order dated 23.06.2016 passed by the Tahsildar/Mamlatdar, Ghatanji, is the subject matter of challenge in this writ petition.
3. The only ground raised in this writ petition is that there is no statutory compliance made of the provisions of the Mamlatdars' Courts Act, 1906 (for short "the Act of 1906"), more particularly, the compliance as required under Section 7 of the Act of 1906.
4. Shri Topale, learned counsel for the respondents and the learned Addl. G.P. for the State, are not disputing the above referred fact.

5. This Court, time and again, has held that Section 7 of the Act of 1906 is mandatory. In that view of the matter, since there is no compliance of Sections 7 to 12 of the Act of 1906, I am of the opinion that the matter needs to be remanded back to the Tahsildar, Ghatanji for deciding the same afresh, after seeking compliance of Section 7 of the Act of 1906 from the original applicant. Accordingly, I pass the following order:

- (i) The writ petition is partly **allowed**.
- (ii) The order dated 22.03.2017 passed by SDO, Kelapur and the order dated 23.06.2016 passed by the Tahsildar Ghatanji, are hereby quashed and set aside.
- (iii) The matter is remanded back to the Tahsildar, Ghatanji , Dist. Yavatmal for the deciding the same afresh, after seeking compliance of Section 7 of the Act of 1906 and after following the procedure as prescribed under Sections 8 to 12 of the Act of 1906.

Accordingly, the writ petition is disposed of in the above terms. No order as to costs.

All the points are kept open.

[ANIL S. KILOR, J.]