



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

972 WRIT PETITION NO. 2506 OF 2024

Shivanand Annarao Divte & others

....Petitioners

VERSUS

Suresh Dhondiba Patil & others

.....Respondents

.....

Mr. A. D. Sonkawade, Advocate for the Petitioners.

Mr. K. B. Jadhavar, AGP for the State.

Mr. Dharurkar, Advocate for Respondent Nos. 1 to 5.

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 8th AUGUST, 2024.

PER COURT :

1. This Petition assails the order dated 27.02.2024 passed by the Sub-Divisional Officer, Omerga in Appeal No. CR-250 of 2024, thereby rejecting the prayer for grant of stay.

2. By order dated 04.03.2024, this Court granted interim relief as under :-

“6. There shall be interim stay to the execution and implementation of the order dated 11.12.2023 of the Naib Tahsildar (Revenue -1), Omerga in Rasta Case No. 1 of 2023 O.W.No. 2023/Mahsul/Jama-2/Kavi-01, till the next date.”

3. The interim relief granted by this Court is continued thereafter. In that view of the matter, purpose would be served if revision application pending before the Sub-Divisional Officer under Section 23(2) of the Mamlatdar Courts Act is directed to be expeditiously decided and interim protection granted in this Writ Petition is continued till disposal of the revision application.

4. Hence following order is passed :-

ORDER

- (i) Writ Petition is partly allowed.
- (ii) The impugned order is quashed and set aside.
- (iii) Interim protection granted by this Court under order dated 04.03.2024, shall remain in force till disposal of the revision application pending before the Sub-Divisional Officer.
- (iv) The Sub-Divisional Officer shall endeavour to dispose of revision application after hearing of the concerned within a period of eight weeks from date of appearance of parties.

(v) The parties to appear before the Sub-Divisional Officer, Omerga, on 26.08.2024.

(S. G. CHAPALGAONKAR)
Judge

dyb