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

902 WRIT PETITION NO. 2802 OF 2024

**HEMANT TUKARAM BELE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHER**

....

Mr Vaibhav B. Dhage, Advocate for Petitioner;
Mr R. S. Wani, A.G.P. for Respondent Nos.1 to 3

**CORAM : RAVINDRA V. GHUGE
AND
R. M. JOSHI, JJ.**

DATE : 15th March, 2024

PER COURT:

1. We have heard the submissions of the learned Advocate for the Petitioner and the learned A.G.P., at pre-notice stage. The contention of the Petitioner is that, an application under Section 5(2) of the Mamlatdars' Courts Act, 1906 (for short 'the 1906 Act'), filed by Respondent Nos.4 to 7, is still pending final adjudication. Against an interim order, the Petitioner has approached the Revisional Authority under Section 23(2) of the 1906 Act. The said proceedings are still pending.

2. The interim order of the Mamlatdar, results in creation of a new road from the land of the Petitioner, which is beyond the

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scope of Section 5 of the 1906 Act. The learned Advocate for the Petitioner, therefore, prays for directions for an urgent hearing and orders in the pending revision.

3. The learned A.G.P. submits on instructions from Dr. Sachin Khallal (Revisional Authority at Vasmat, who is also the Sub Divisional Officer), that the Petitioner was issued with a notice by the said Revisional Authority, dated 17/08/2023, calling upon him to explain, as to how the proceeding is maintainable.

3. We find that, a strange method is adopted by the Revisional Authority. Once a revision is filed under Section 23(2) of the 1906 Act, the Revisional Authority has to issue notice of hearing to all the parties and let the parties canvass their grounds. Thereafter, a reasoned order is to be passed.

4. In view of the above, **this Writ Petition is disposed off**, with a direction to Respondent No.2/Sub-Divisional Officer, Vasmat, to issue notices to the litigating parties, returnable on 01/04/2024, within five days from today and ensure that the notices are served on the parties. The Petitioner need not be issued with the notice, since he is agreeable to appear before the Revisional Authority on 01/04/2024.

5. If the Petitioner prays for urgent interim orders, the Revisional Authority would hear all the parties and pass such urgent/interim orders within 10 days from 01/04/2024. After hearing all the parties, he shall pass a reasoned order by considering the contentions and objections of the stakeholders, on or before 30/04/2024.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

sjk