

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5164 OF 2023

Madhukar Devdhar Pawar

VERSUS

Rambhau Yadav Dalvi And Others

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Advocate for the Petitioner : Mr. Garje Nisargraj B.

AGP for Respondents/State : Mr. S.N. Kendre

Advocate for Respondent Nos.2 & 3 : Mr. Jaydeep S. Kadam h/f Mr.
D.S. Bhapkar

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CORAM : S.G. MEHARE, J.

DATED : APRIL 24, 2024

PER COURT:-

1. Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The Tahsildar proceeded under the Mamlatdar's Courts Act on plain plaint/application. A plain application is not entertained under Sections 5, 7 to 11 of the Mamlatdar's Courts Act. No plaint as required under the said Act was presented. Therefore, the entire action of Tahsildar and Sub-Divisional Officer is illegal. That apart, the present petitioner was not made party though the way through his field was alleged to be obstructed.

3. For all these reasons, the impugned orders of the Tahsildar (Mamlatdar Court) Parner, District Ahmednagar in Case No.262/2022 dated 12.09.2022 and the Sub-Divisional Officer

Shrigonda, Parner Division, Ahmednagar in Case No.370/2022 dated 06.03.2023 stand quashed and set aside.

4. The matter is remitted to the Tahsildar for fresh decision if respondent no.1 move an appropriate plaint strictly in compliance with the provisions of the Mamlatdar's Courts Act and he shall join the petitioners as party respondent to the said plaint.

5. Respondent no.1 shall appear before the Tahsildar on 07.05.2024.

6. Respondent no.1 shall take appropriate steps within 15 days from the date of appearance before the Tahsildar.

7. In view of the above, the writ petition is allowed.

(S.G. MEHARE, J.)