

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9276 OF 2023

Balu Anil More And Others

VERSUS

The Sub Divisional Officer Sub Division Office Osmanabad And
Others

...

Advocate for the Petitioners : Mr. Wakure Sanjay A

AGP for Respondents/State : Mrs. A.S. Mantri

Advocate for Respondent No.3 : Mr. V.V. Ingale

...

CORAM : S.G. MEHARE, J.

DATED : APRIL 30, 2024

PER COURT:-

1. Heard learned counsel for the petitioners and learned counsel for the contesting respondent.
2. The petitioners have impugned the order of the Tahsildar passed under the Mamlatdar's Courts Act before the Sub-Divisional Officer/respondent no.1. They have prayed to stay the order of the Tahsildar. However, respondent no.1/Sub-Divisional Officer rejected the prayer for stay. He has rejected the stay application observing that no caveat is filed. The application is hereby rejected. This impugned order is without reasons. Hence, liable to be set aside.
3. Accordingly, the petition is allowed. The impugned order of respondent no.1 is quashed and set aside. Respondent no.1 is directed to either to decide the stay application on merit or if the

(2)

parties consent the appeal on merit. In the meantime, Tahsildar should not execute his impugned order, till the disposal of revision. Respondent No.1 should decide the revision on or before 18.06.2024.

4. Both parties are directed to appear before respondent no.1 on 03.06.2024.

5. No order as to costs.

(S.G. MEHARE, J.)