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{wp10906.18}

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

19 WRIT PETITION NO. 10906 OF 2018

JANARDHAN NAMDEO KAKADE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

WITH

WRIT PETITION NO. 10923 OF 2018

JANARDHAN NAMEO KAKADE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

Mr.A.N. Nagargoje, Advocate for the petitioner.

Mr.P.D.Patil, AGP for the respondent-State.

Mr.N.B. Jadhav, Advocate for respondent No.6.

CORAM : KISHORE C. SANT, J.

DATE : 01.10.2024

PC :-

01. Writ Petition No. 10906 of 2018 arises out of judgment and order dated 18.06.2018 passed by the learned Additional Divisional Commissioner, Chh. Sambhajinagar in file No. 2003/ROR/REV/238. Writ Petition No. 10923 of 2018 challenges order of the same date and of same authority in file No. 2003/ROR/REV/238. By way of the impugned orders in these petitions, the learned Additional Commissioner has remanded the matters back to the Collector for fresh decision. Only reason assigned is that no record was sent by the Authorities and was not available while taking decision. It is observed that it would not be proper to decide the revision without original record.

02. This Court hardly finds that this can be a reason to remand the matter. It was open for the learned Commissioner to again call for the record from the lower authority by giving specific directions. Such remand order is certainly against propriety. Remand can be done only when case is made out for remand. No such case is made out for remand of the revisions.

03. These petitions are therefore, disposed off with direction to the Divisional Commissioner to decide both the proceedings afresh by calling for record from the offices of Additional Collector, Sub-Divisional Officer and Tahsildar. For such purpose respondent Nos. 3,4 and 5 are directed to send the record within 12 weeks positively from the date of receipt of this order. After receipt of the record, the Divisional Commissioner/Additional Divisional Commissioner to decide the revisions within eight weeks thereafter without fail.

04. The learned AGP to immediately communicate this order to all the concerned authorities.

05. Needless to say that the interim order passed by this Court to continue till interim relief application is decided by the Divisional Commissioner/Additional Divisional Commissioner.

[KISHORE C. SANT, J.]