

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 13127 OF 2024

Nagu Dhula Shinde And Ors. Petitioners

Versus

Laxman Ganpat Vhadgar And Ors. Respondents

Mr.Nikhil G. Hire, for the Petitioners.
Mr.S.D. Rayrikar, AGP, for the State – Respondent Nos.2 and 3.

CORAM : R. M. JOSHI, J.

DATE : 25th SEPTEMBER, 2024.

P.C. :

1. Heard learned counsel for the Petitioners submits that the impugned order came to be passed on 29th August 2024 by the Sub Divisional Officer confirming the order passed by the Tehsildar under Section 5 of the Mamlatdar Courts Act, 1906. He, however drew attention of the Court to the statement of contesting Respondent dated 21st August 2024 as well as panchanama of the same date. He submits that the order passed by the Tehsildar was not executed atleast till 20th August 2024. It is

his further submission that panchanama records that there is a standing crop on the subject land and hence the order could not have been executed till date.

2. *Prima-facie*, this Court on the basis of the documents on record finds that the order passed by the Tehsildar is not executed till date. As such, it will be in the interest of justice that the order passed by the Tehsildar as well as the Sub-Divisional Officer are stayed till next date of hearing.

3. Hence, issue notice to the Respondents, returnable on 21st October 2024.

4. In addition to the usual mode of service, private service is allowed.

(R. M. JOSHI, J.)