

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO. 266 OF 2024

**VASANT
ANANDRAO
IDHOL**

Sudam Nivrutti Daware

...Petitioner

Versus

Hemangi Patil Bhamare
The Sub Divisional Officer

...Respondent

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Mr.Pandit Kasar for the Petitioner.

Ms.V.S. Nimbalkar, A.G.P. for the Respondent – State.

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CORAM : AVINASH G. GHAROTE, J.

DATE : 2nd AUGUST, 2024

P.C.:

1. The Contempt Petition claims violation of the order dated 31.08.2023 passed by this Court, by which the Sub-Divisional Officer, Niphad (SDO) was directed to institute an enquiry as to whether there has been any settlement of the boundaries for the purpose of exercise of jurisdiction under Section 138 of Maharashtra Land Revenue Code (MLR Code), after according due opportunity to both the sides and the issue was to be decided preferably within a period of 4 months from the date of the order. Since there is no decision within the time,

contempt against the SDO is alleged.

2. It is a settled position of law that for the exercise of jurisdiction under Section 138 (1) of MLR Code, there has to first be a decision for finalizing of the boundaries, as contemplated under Section 135 of MLR Code, which has never been done in the present case. The order dated 31.08.2023, therefore has to be understood in that sense, considering which it would be necessary for the SDO to first carry out the exercise of fixing of the boundaries under Section 135 of MLR Code and then depending upon its out come, initiate proceedings under Section 138 (1) of MLR Code.

3. The learned AGP upon instructions makes a statement, that exercise of considering the enquiry under Section 135 of MLR Code and depending upon the result, the further action under Section 138 (1) of MLR Code shall be done within a period of 8 months. Accepting the statement, the Contempt Petition is disposed off.

(AVINASH G. GHAROTE, J.)