



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.449 of 2024

VISHNU S/O. SANTOSH DHAWADE AND OTHERS

VS

**THE NAIB TAHSILDAR AND MAMLATDAR, TAHSIL TIWSA, AMRAVATI
AND OTHERS**

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.D. Dangore, Advocate for the Petitioner/s
Ms Soniya Thakur, AGP for the Respondent No.1/State

CORAM : ANIL S. KILOR, J.

DATED : 20.02.2024

1. Heard.
2. In the proceeding filed under Section 5 of the Mamlatdar's Courts Act, 1906 (for short "the Mamlatdar's Courts Act"), the non-applicants/petitioners raised an objection to the tenability of the application on the ground that the application does not comply with the requirement under Section 7 of the Mamlatdar's Courts Act and in view of the judgment of the Co-ordinate Bench of this Court in the case of *Gaurakshan Sansthan, Murtizapur Vs. State of Maharashtra & Ors.*¹, the application needs to be rejected under Section 12 of the Mamlatdar's Courts Act. The objection raised by the petitioners came to be rejected vide impugned order dated 02.01.2024, which is the subject matter of challenge in this writ petition.
3. I am of the opinion that, this matter can be disposed of, at the admission stage, by simply directing the Tahsildar, Tiwasa to

¹ 2019 (3) ALL MR 849

ask for compliance under Sections 7 to 11 of the Mamlatdar's Courts Act, if not complied with.

4. If there are no such compliance, as required under the above referred provisions of the Mamlatdar's Courts Act and in case the applicants refuse to comply with such requirements even after giving sufficient opportunity, the Tahsildar may thereupon, take a decision under Section 12 of the Mamlatdar's Courts Act.

5. Accordingly, the writ petition is **disposed of** with direction to the Tahsildar to ask for compliance under Section 7 of the Mamlatdar's Courts Act, if the application is not in accordance with Section 7 of the Mamlatdar's Courts Act. The Tahsildar shall grant sufficient opportunity to the applicants to make such compliance and failure to do the needful, the Tahsildar may take the decision as per Section 12 of the Mamlatdar's Courts Act.

[ANIL S. KILOR, J.]