



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

WRIT PETITION NO. 1318 OF 2020

(SITARAM MAHARAJ SANSTHAN..VS.. SHRIDHAR PAWAR LATE KESHAVRAOJI PAWAR & OTH)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Vinay Sharma, Advocate for Petitioner.
Shri R.D.Bhuibhar, Advocate for Respondent Nos. 8 to 10 & 13.
Shri B.M.Lonare, A.G.P. for Respondent No.14.

CORAM : ANIL S. KILOR, J.
DATED : JANUARY 31, 2024.

1. Heard.
2. This writ petition takes exception to the three orders dated 11/02/2020 passed by the Sub-Divisional Officer, Amravati below three different applications namely (i) for taking on record the written notes of arguments and certified copies of various orders from 06/05/2019; (ii) application under Order 7 Rule 14(3) of the Code of Civil Procedure and (iii) the application for resuming cross-examination and deciding certain pending applications. All the three applications came to be rejected by the Sub-Divisional Officer on the ground that cross-examination is going on and therefore, the applications cannot be considered.
3. The proceeding, which is pending before the Sub-Divisional Officer, is filed under Section 120 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 (hereinafter referred to as "the Act"), for eviction.

4. It is apparent on the face of the record that no reasons are recorded by the Sub-Divisional Officer to reject the application except a reason that the cross-examination is going on. The said ground for rejection of the applications was not sufficient when the Sub-Divisional Officer ought to have considered the applications independently and decided the same either way on merit.

5. In the circumstances, since the Sub-Divisional Officer has failed to pass the reasoned orders on all the three applications, no option left with this Court than to remand the matter back to the Sub-Divisional Officer to decide all the three applications afresh.

6. Accordingly, I pass the following order:

- i) The Writ Petition is partly allowed.
- ii) The impugned orders dated 11/02/2020 passed by the Sub-Divisional Officer, Amravati in Revenue Case No.1/59(32)/Walgaon/2012-2013 is hereby quashed and set aside.
- iii) The matter is remanded back to the Sub-Divisional Officer, Amravati for deciding all the three applications afresh, after hearing both the parties.

- iv) The parties shall appear before the Sub-Divisional Officer, Amravati on 08/02/2024 at 11:00 a.m.
- v) The Sub-Divisional Officer shall decide the applications within fifteen days from the date of appearance of the parties.
- vi) The proceedings under Section 120 of the Act is expedited.

The Writ Petition is **disposed of** accordingly.
No order as to costs.

JUDGE

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