



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

WRIT PETITION NO. 152/2024

Sheshrao Baliram Thaokar

Vs.

Sub-Divisional Officer, Umred and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. P.S. Tidke, Advocate for petitioner

Mr. Sagar Ashirgade, Addl. GP for Respondent Nos.1 and 2

CORAM: N.R. BORKAR, J.

DATED : 23rd JULY, 2024

This petition takes exception to the order dated 31.07.2023, passed by the Sub-Divisional Officer in Revision No. 04/MCA-23(2)/2022-23.

2. The respondent No.3 herein had filed an application under Section 5 of the Mamlatdar Courts Act. The petitioner and respondent No.3 are adjacent land owners. It is alleged that the petitioner had deliberately diverted the flow of rain water from his field towards the field owned by respondent No.3. It is alleged that said act of the petitioner is causing damage to the crops in her field. Thus injunction was sought.

3. The respondent No.2 by order dated 18.10.2022 thought it fit not to grant injunction but issued certain directions. The respondent No.3

dissatisfied with the order of respondent No.2 filed the revision before respondent No.1. By the order impugned respondent No.1 has allowed the revision filed by respondent No.3.

4. Respondent No.2 while refusing to grant injunction has recorded certain findings. The said findings are not held to be perverse, while allowing the revision. However, considering the facts and circumstances instead of remanding the matter back to respondent No.1, it would be appropriate to remand the matter back to respondent No.2. The orders passed by respondent No.1 and respondent No.2 are quashed and set aside.

5. Respondent No.2 shall decide the application filed by the respondent No.3 afresh in accordance with law.

6. The petition is disposed of in above terms. No costs.

(N.R. BORKAR, J.)