



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO. 28 OF 2024
IN WP/12082/2019 WITH
CIVIL APPLICATION NO. 1642 OF 2024
IN RA/28/2024

Kailas Guru Nutan PuriApplicant

VERSUS

Venkat Sonnappa Sagar & othersRespondents

Mr. S. N. Patne, Advocate for Applicant.
Mr. S. N. Kendre, AGP for the State.
Mr. G. N. Chincholkar, Advocate for Respondent No. 1.

CORAM : R. M. JOSHI, J.
DATE : 10th OCTOBER, 2025.

PER COURT :

1. Learned counsel for both sides are heard.
2. It is informed to this Court that by order dated 30.01.2024 in Writ Petition No. 12082/2019, this Court has issued following directions :-

The order of Sub-Divisional Officer/Deputy Collector (Atiyat), Osmanabad in Case No. 2011/Atiyat/Kavi-640 dated 30.04.2016, the orders of the Additional Collector, Osmanabad in case No. 2017/sapr/Dharmik/kavi-466 dated 17.11.2017 and Maharashtra Revenue Tribunal,

Aurangabad in Case No. 25/B/2018 Osmanabad stand quashed and set aside.

The matter is remitted to the Sub-Divisional Officer, Osmanabad, for deciding it afresh by giving opportunities to the petitioner and respondent no. 1 in view of Section 12 sub-section (2) of the Hyderabad Atiyat Inquiries Act, 1952 and Rule 12(2) of the Hyderabad Atiyat Inquiries Rules, 1952.

Both parties should appear before the Sub-Divisional Officer, Osmanabad on 08.02.2024.

The Sub-Divisional Officer shall complete the inquiry within eight months from the date of receipt of this order.

3. Learned counsel for Applicant/original Respondent in Writ Petition has now placed on record order dated 18.06.2015 passed by the Divisional Commissioner who has condoned delay of about 4 years. He further submits that thereafter the proceeding was relegated back to the Sub-Divisional Officer for decision on merit. He passed the order which came to be challenged before Maharashtra Revenue Tribunal and the said litigation has ultimately landed in this Court in Writ Petition No. 12082/2019. It is his submission that in view of these facts, the order passed by this Court requires recall.

4. This Court would like to mention that the order impugned came to be passed only for the reason that there was no proper assistance on the part of the advocates appearing for the parties pointing out the relevant facts and others passed by the authorities and that no fault can be found with the order passed by the learned Judge. Be as it may, it is a matter of fact that there is order passed by Divisional Commissioner dated 18.06.2015 which is now challenged in Writ Petition No. 9960/2025.

5. Thus, the order impugned would not survive and it would be in the interest of parties that the said order is recalled and is accordingly recalled. Writ Petition No. 12082/2019 be heard afresh. It would be appropriate that this Petition is heard along with Writ Petition No. 9960/2025.

6. Review Application is allowed in aforesaid terms.

(R. M. JOSHI)
Judge

dyb