



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

44 WRIT PETITION NO. 3716 OF 2022

ABASAHEB BABANRAO HON AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. A.D. Sonkawade h/f. Mr. Rajesh H. Mewara – Advocate for Petitioners
Mr. K.B. Jadhavar – AGP for Respondent Nos.1 to 3, State
Mr. S.B. Kadu – Advocate for Respondent Nos.4 and 5
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 08.12.2025

PER COURT :

1. Heard learned Counsel for the petitioners, learned A.G.P. and learned Counsel for respective respondents.
2. By this petition, the petitioners are challenging the order 17.01.2022 passed in Revision Application No.140/2021 by the respondent No.2, the Sub-Divisional Officer, Shirdi, whereby the matter was remanded to the Tahsildar for fresh consideration.
3. Learned Counsel for the petitioners submits that the Sub-Divisional Officer has unnecessarily remanded the matter to the Tahsildar, Kopergaon. It is submitted that the proceedings were under the Mamlatdar's Courts Act, 1906 (for short 'the Act'), and that the Tahsildar had already passed an appropriate order in favour of the petitioners. He

further submits that only for the sake of remanding the matter, the Sub-Divisional Officer has tried to create a ground portraying that the petitioners were seeking a new road, whereas in fact the issue pertained to cart way. Therefore, he prayed that the order passed by the Sub-Divisional Officer be quashed and set aside.

4. *Per contra*, learned A.G.P. and learned Counsel for the respective respondents support the order under challenge by pointing out that the matter was remanded only for reconsideration and no prejudice is likely to be caused to the petitioners.

5. I have gone through the order passed by the Sub-Divisional Officer, Shirdi, it reveals that the matter was under Section 5 of the Act. After considering the panchanama and the record, the learned Tahsildar had allowed the application. Being aggrieved by the same, the respondents preferred a revision application. The revision application was allowed on the ground that the panchanama was not specific and considering this fact, the matter was remanded.

6. Therefore, I do not find any reason to interfere with the order 17.01.2022 passed in Revision Application No.140/2021 by the respondent No.2, the Sub-Divisional Officer, Shirdi, under Article 227 of the Constitution of India.

7. In view thereof, the Writ Petition is dismissed. No order as to costs.

8. However, it is made clear that the learned Tahsildar shall not be influenced by any observations made by the Sub-Divisional Officer and shall decide the matter on its own merits.

9. *Status-quo* granted by this Court vide order dated 05.04.2022, to continue till the decision of the matter by the learned Tahsildar.

10. All the points are kept open.

[SIDDHESHWAR S. THOMBRE]
JUDGE

Pooja Kale/