



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4515 OF 2022

Madhav Prabhakar Rao Deshmukh
VERSUS
Devrao Khandu Dange And Others

- Mr. S. V. Natu, Advocate for the Petitioner
- Mr. M. D. Narwadkar, Advocate for the Respondent No. 1
- Mr. S. N. Kendre, AGP for the Respondent Nos. 2 and 3/State

CORAM : R. M. JOSHI, J
DATE : SEPTEMBER 22, 2025

PER COURT :

1. By consent of both sides, heard finally at the stage of admission.

2. This Petition takes exception to the order passed by Tahsildar, Kandhar dated 10.11.2020 whereby rejected the Application filed by the Petitioner under Section 5 of the Mamlatdar's Courts Act, 1906 (for short '**the Act**') and confirmation thereof by the Sub-Divisional Officer, Kandhar by order dated 20.09.2021.

3. Learned Counsel for the Petitioner has drawn attention of the Court to the impugned order passed by Tahsildar, Kandhar in order to argue that there is

absolutely no reason recorded while passing order. On this ground itself, according to him, impugned order cannot sustain.

4. Learned Counsel for contesting Respondent supports the impugned orders on the ground that this is a second round of litigation and it won't be in the interest of parties to set aside order impugned and relegate the matter back to the Tahsildar for decision afresh.

5. A basic requirement for sustainability of any order is that the order must be a reasoned order. Perusal of the order passed by Tahsildar does not indicate any reason whatsoever being recorded for passing of the order. This aspect ought to have been taken into consideration by the Sub-Divisional Officer in Revision filed against said order. Unfortunately, Sub-Divisional Officer without considering the said fact has simply confirmed the order. As the order passed by Tahsildar refers to no reason at all, on this ground itself the order deserves to be set aside.

6. As a result of above discussion, Petition

stands allowed. Impugned orders passed by Tahsildar and confirmed by the Sub-Divisional Officer are set aside. Tahsildar, Kandhar is called upon to decide application of the Petitioner afresh by recording reasons.

7. Parties are directed to appear before Tahsildar on 06.10.2025. No separate notice to be issued to the parties by Tahsildar. Tahsildar shall give reasonable opportunity to parties to substantiate their respective case.

(R. M. JOSHI, J.)