



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5891 OF 2025

Bhavsing Harchand Paradeshi And Others

.. Petitioners

Versus

The State Of Maharashtra

Through Its Principal Secretary And Others

.. Respondents

Mr. Bhushan Mahajan, Advocate for the Petitioners.

Mr. P. D. Patil, AGP for Respondent Nos. 1 to 3.

Mr. Shaikh Ashraf Patel, Advocate h/f Mr. Abhijit P. Avhad, Advocate for Respondent No. 4.

CORAM : KISHORE C. SANT, J.

DATED : 06th MAY, 2025.

P. C. :-

. Heard the parties.

2. The petitioners, aggrieved by an order passed by the learned S.D.O., Pachora have approached this Court. The petitioners are the original applicants before the Mamlatdar in a proceeding filed under Section 5 (2) of the Mamlatdars Courts Act. The Mamlatdar by order dated 06.07.2023 allowed the application and directed the respondent therein i.e. present respondent No. 4 to remove obstruction to go to land of the petitioners from land Gat Nos. 161 and 162/2 from southern side. This order was challenged by the respondent No. 4 by

filing revision No. 49/2023. The learned S.D.O. by order dated 16.01.2024 set aside the order passed by the learned Tahsildar and remanded the matter back to the learned Tahsildar. The petitioners, therefore, approached this Court by filing Writ Petition No. 4168/2024. This Court by order dated 20.08.2024 partly allowed the writ petition. The learned S.D.O. was specifically directed to decide the revision on merits on the basis of material already tendered into service by the parties. Now, a grievance is made that, in spite of this specific order the learned S.D.O. has again remanded the matter back to the learned Tahsildar.

3. The order of this Court in earlier writ petition is reproduced herein below :

- “a. Writ petition is allowed.
- b. The impugned order dated 16.01.2024 passed in Revision No. 49/2023 by Sub Divisional Officer, Pachora, is hereby quashed and set aside.
- c. The learned Sub Divisional Officer is directed to decide Revision on merit on the basis of material already tendered into service by the parties.
- d. Parties shall appear before Sub Divisional Officer, Pachora on 30.08.2024. After appearance of the parties, they shall be at liberty to tender written notes of arguments, if any, and also make oral submissions.
- e. The learned Sub Divisional Officer shall decide

Revision Application within a period of four months from the date of appearance of the parties on its own merits.

f. Writ petition is disposed of.”

4. In view of this, it is clear by clause (c) that, the learned S.D.O. was directed to decide the revision on merit on the basis of material already before him. This Court finds that, when the learned S.D.O. was specifically directed to decide the matter on merit, it is not proper on his part to again remand the application to the learned Tahsildar. The order is against the letter and spirit of the order passed by this Court in the writ petition.

5. For this reason, the impugned order is quashed and set aside. The learned S.D.O. to decide the revision application on its own merits on the basis of material already placed on record before the learned authority. It is expected of the learned S.D.O. to decide the revision within two (02) months from today.

6. With this, the writ petition stands disposed of.

(KISHORE C. SANT, J.)

PS.B.