



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 WRIT PETITION NO. 5955 OF 2024

NAMDEV DASHRATH PATIL CHAUDHARI
VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SUB DIVISIONAL
OFFICER AND OTHERS

Mr. V. B. Patil, Advocate for the petitioner
Mr. N. D. Raje, AGP for the respondent/State
Mr. Bhushan Mahajan, Advocate for respondent Nos.3 to 5.

CORAM : R. M. JOSHI, J.
DATE : 21st MARCH, 2025

PER COURT :-

1. This petition takes exception to the order dated 8th March, 2023 rejecting application filed under Section 5 of the Mamlatdar's Courts Act and confirmation thereof by the SDO, Erandol by order dated 19th March, 2024.

2. At the outset learned counsel for the respondent has raised objection with regard to the maintainability of the proceedings under Section 5 of the Act when admittedly the suit being R.C.S. No. 36/2022 is pending before the CJJD in respect of the same subject matter. He relied upon the judgment of co-ordinate Division Bench in case of *Raghu and Ors. Gorakshnath and ors. MANU/MH/0164/2023*.

3. This Court has gone through facts of this case and the said

judgment. Having regard to the fact that this judgment squarely applies to the present case and this Court does not wish to take any different view. Hence, petition stands dismissed.

(R. M. JOSHI, J.)

ssp