

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1011 WRIT PETITION NO. 34 OF 2023

SHARAD DILEEP PATIL
VERSUS
NARAYAN TOTARAM PATIL AND OTHERS

...
Advocate for the Petitioner : Mr.D.S. Bagul
AGP for Respondents/State : Mr. D.R.Korde
Advocate for Respondent Nos. 1 to 9 : Mr.Pandit Sushil P. and
Mr. Syed A.R.
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 12.12.2025

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of this petition, the petitioner assails the orders dated 19.05.2021 passed by the learned Tahsildar, Sindkheda and order dated 23.06.2022 passed by the learned Sub Divisional Officer, Shirpur, whereby the revision filed by the petitioner came to be dismissed and order passed by the Tahsildar, Sindkheda came to be confirmed.
3. The learned Counsel for the petitioner submits that Tahsildar, Sindkheda issued notice dated 23.10.2022 and directed the petitioner to remain present on 25.11.2020 for spot inspection panchanama but the same not carried on that day. Subsequently, panchanama was prepared on 04.03.2021 and the notice of the same was not given to the petitioner. The said panchanama was carried out in absence of petitioner. He further submits that the Tahsildar, Sindkheda,

relying on the said panchanama, passed the order which was also confirmed by the Sub Divisional Officer.

4. Learned Counsel for the respondents supports the order passed by the Tahsildar, Sindkheda as well as Sub Divisional Officer, Shirpur.

5. I have gone through the order passed by the Tahsildar, Sindkheda and Sub Divisional Officer, Shirpur. I have also gone through the panchanama dated 04.03.2021 and notice directing the petitioner to remain present on 25.11.2020. It reveals that the panchanama dated 04.03.2021 was carried out in absence of the petitioner. Though, notice dated 23.10.2020 was issued to the petitioner to remain present on 25.11.2020, but on that day the panchanama was not prepared. Therefore, I am of the view that the order passed by the Tahsildar, Sindkheda and Sub Divisional Officer, Shirpur are not sustained in the eyes of law and I am inclined to partly allow the present petition by setting aside the order passed by them and remanding the matter to the Tahsildar, Sindkheda.

6. In view of thereof the petition is partly allowed. The orders dated 19.05.2021 passed by the learned Tahsildar, Sindkheda and order dated 23.06.2022 passed by the learned Sub Divisional Officer, Shirpur are quashed and set aside. The matter is remanded back to the Tahsildar Shindkheda for a fresh decision thereon.

7. The parties to appear before the learned Tahsildar, Sindkheda on 29.12.2025.

8. The learned Tahsildar, Sindkheda shall issue notice to the petitioner and respondents including any person interested in the property and pass an order after giving an opportunity of being heard to all the concerned parties.

9. Tahsildar, Sindkheda shall not be influenced by the panchanama dated 04.03.2021 and order passed by the learned Sub Divisional Officer, Shirpur.

10. It is made clear that this court has not recorded any finding on the merit of the matter and the matter is remanded only on the ground that the petitioner was not present while preparing the panchanama.

11. All issues are kept open.

12. The interim order dated 13.01.2023 passed by this Court to continue till the Tahsildar, Sindkheda decides the matter on its own merits.

13. The learned Tahsildar, Sindkheda to decide the proceedings within a period of four months from the date of appearance of the parties.

(SIDDHESHWAR S. THOMBRE, J.)