

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3499 OF 2024

Vilas Jagannath Jadhav and Ors.	.. Petitioners
Versus	
Ramchandra Shivaji Jadhav and Ors.	.. Respondents

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- Mr. Ajit Kenjale a/w Mr. Azharuddin Khan, Advocate for Petitioners.
 - Mr. Shriram Kulkarni a/w Mr. Pranjal Khatawkar, Advocates for Respondents.
 - Mr. Shahaji Shinde a/w Y.D. Patil, for Respondent No.4 State.
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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 09, 2025

P. C.:

1. Heard Mr. Kenjale, learned Advocate for Petitioners, Mr. Kulkarni, learned Advocate for Respondents and Mr. Shinde, learned AGP for Respondent – State.

2. Order impugned is the order passed in revision proceedings by the Sub Divisional Officer. By virtue of the said order dated 10.05.2023, previous order passed by the Tahsildar has been quashed and set aside with a direction to rehear the Section 5 proceedings filed under the Mamalatdar's Court Act, 1906 afresh. In effect the Section 5 order has been quashed and set aside with a direction to rehear the same between the parties. I have perused the order dated 11.01.2024 appended at page No.64 of the writ petition and perused the reasons stated therein. In view of this order giving

imprimatur of this Court on merits will undoubtedly affect the proceedings before the Mamalatdar's Court.

3. I have reasoned with both the learned Advocates appearing at the bar that the impugned order does not require any interference primarily in view of the fact that it has given directions to hear the substantive Section 5 proceedings under the Mamalatdar's Court Act afresh.

4. Hence, keeping all contentions of both parties expressly open, the Tahsildar seized with hearing of the Section 5 proceedings under the Mamalatdar's Court Act is directed to hear the same and determine the same as expeditiously as possible and in any event within a period of 2 months from today strictly in accordance with law.

5. With the above directions without interfering with the impugned order writ petition is disposed by clarifying that while hearing the Section 5 proceedings, the Tahsildar shall not be influenced by any of the observations and findings recorded in the impugned order.

6. Writ Petition is disposed of in the above terms.

[MILIND N. JADHAV, J.]