

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1034 OF 2025

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Bhutali Shattu Vijaymane	... Petitioner
V/s.	
The State of Maharashtra & Ors.	... Respondents

Mr. Satyajeet A. Rajeshirke for the petitioner.

Mr. R. S. Pawar, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 30, 2025

P.C.:

1. The writ petition arises out of proceedings under Section 5 of the Mamlatdar's Courts Act, 1906 (hereinafter referred to as "the Act"). The applicant filed a revision application under Section 23 of the Act, challenging the order passed by the Tahsildar. In the said revision application, the petitioner filed an interlocutory application seeking expeditious hearing of the revision application and interim relief in the form of a stay of the order passed by the Tahsildar. By the impugned order, the Sub-Divisional Officer (SDO), acting as the revisional authority, rejected the application, holding that the petitioner is at liberty to adopt appropriate proceedings before the appropriate Court, as the challenge before the Sub-Divisional Officer is quasi-judicial in nature and does not warrant interim relief at this stage. The SDO further observed that

the petitioner's remedy lies in pursuing the revision application on its merits.

2. The Sub-Divisional Officer, being the statutory revisional authority under the provisions of the Mamlatdar's Courts Act, 1906, is under an obligation to adjudicate the revision application arising out of the order passed by the Tahsildar under Section 5 of the Act. The impugned order, however, contains certain observations that may prejudice the merits of the revision application. It is, therefore, clarified that the observations made in the impugned order shall not influence or bind the revisional authority while deciding the petitioner's revision application on its merits. The revisional authority shall decide the matter independently and in accordance with law, after affording the parties a reasonable opportunity of being heard. With this clarification, the writ petition stands disposed of. No order as to costs.

3. In view of the above, the revisional authority is directed to expeditiously hear and decide the revision application filed by the petitioner. The revision application shall be decided within a period of three months from the date of this order, in accordance with the provisions of the Act and the principles of natural justice. The parties are directed to cooperate fully with the revisional authority to ensure the timely disposal of the matter.

(AMIT BORKAR, J.)