

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9578 OF 2024
WITH
INTERIM APPLICATION (ST) NO.1951 OF 2024**

Balaso Dinkar DesaiPetitioner

Vs.

The Sub Divisional Officer Sub
Division Panhala & Ors.Respondents

Mr. Chetan G. Patil with Mr. Bhushan Jadhav with Mr. S. R. Chavan
i/b Mr. Mandar Bagkar, for the Petitioner.

Mr. Sanjay D. Rayrikar, for the Respondent No.1.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 22nd AUGUST 2025

PC:-

1. The present Writ Petition takes exception to the order dated 14th July 2023 passed by the Respondent No.2 in Revision Application No.95 of 2023, thereby upholding order dated 24th April 2023 passed by the Respondent No.2 under Section 5 of the Mamlatdars Courts Act in Application No.3 of 2024.

2. Heard Mr. Patil, learned counsel appearing for the Petitioner and Mr. Rayrikar, learned AGP for the Respondent No.1.

3. It appears that, till this date neither notices are issued nor is any interim order passed in this Writ Petition pending for almost 22 months before this Court. Further looking to the controversy raised in present Writ Petition, Petitioner can avail efficacious alternate remedy of filing suit seeking declaration against impugned orders with appropriate consequential reliefs.

4. In that view of the matter, particularly considering exposition of law laid down by this Court in case of ***Vimal Bhausahab Nabde Vs. The Sub-Divisional Officer, Ahmednagar and Ors.*** (Writ Petition No.5074 of 2022 along with companion and matters dated 4th August 2025) Writ Petition stands disposed of with liberty in favour of the Petitioner to file substantive Civil Suit seeking declaration against impugned order.

5. If petitioner files suit within a period of 8 weeks from the date of this order, benefit of limitation would be available for period of pendency of present Writ Petition.

6. Till filing of suit or period of 8 weeks from today, whichever is earlier, effect of impugned order be kept in abeyance.

7. Writ Petition stands disposed of.

(S. G. CHAPALGAONKAR, J.)