

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1848 OF 2024

Shri. Suresh Shankar Waman And Anr. ...Petitioners

Versus

State Of Maharashtra Through Prin. Secretary, ...Respondents
Revenue And Forest Dept. And Ors.

Mr. V.S. Tadake, a/w M.B. Gawade, for the Petitioners.

Appearance not received for Respondents.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : NOVEMBER 11, 2025

ORDER :

1. A core grievance that has come up is that the order impugned is passed by the Sub-divisional Officer, whereas such an officer has no power to exercise the revisional jurisdiction conferred on the Collector under Section 23 of the Mamlatdar's Courts Act, 1906. It is seen from Section 23(2) that the Collector has a revisional power but in subsection 23(2A) the Collector also has a power to delegate the exercise of such power to an Assistant Collector, Deputy Collector or an Assistant Commissioner subordinate to him.

2. The contention is that the Sub-Divisional Officer is not an officer of a rank that would fall within the parameter of such delegation

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and therefore, the Impugned Order is passed by an officer without statutory jurisdiction to pass such an order.

3. Learned AGP shall examine this facet of the matter and revert. Stand over to ***November 18, 2025***.

4. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]