

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

WRIT PETITION NO. 4599 OF 2025

Kiran Sitaram Medankar

... Petitioner

Versus

Rajendra Dagdu Gaikwad and ors.

.... Respondents

Mr. Rohan Barge, for the Petitioner.

Smt. G.R. Raghuwanshi, for the Respondent No.5.

**CORAM : M.S.KARNIK AND
N.R.BORKAR, JJ.**

DATE : 01st AUGUST 2025

P.C. :

1. Heard learned counsel for the petitioner. By this petition filed under Article 226 of the Constitution of India, the petitioner is challenging the summons issued in revision application filed by respondents no.1 & 2 before the Additional Divisional Commissioner, Pune. It is submitted that before the Divisional Commissioner, respondents no.1 & 2 has raised untenable grounds. According to learned counsel for the petitioner that respondents no.1 & 2 had duly received the summons to appear before the Additional Collector, but respondents no.1 & 2 did not choose to appear before Additional Collector. According to learned counsel for the petitioner, respondents no.1&2 have taken a false ground that

they never received the summons and therefore could not participate in the proceedings.

2. In our opinion, grounds raised by the petitioner in this petition can be brought to the notice of the Additional Divisional Commissioner in the RTS Revision Application No. 728 of 2024. If a plea is taken that summons was duly served on the present respondents no. 1 & 2, the Additional Divisional Commissioner shall obviously consider such submission on its own merits and render a finding thereon.

3. Keeping liberty of the petitioner to raise all contentions before Additional Divisional Commissioner, the petition is disposed of.

4. It is made clear that we have not expressed any opinion on merits of the contentions.

5. We request Additional Divisional Commissioner to decide revision application expeditiously if possible. The petitioner assures that they will co-operate with the hearing of the Additional Divisional Commissioner and shall not ask for unnecessary adjournment.

(N.R.BORKAR, J.)

(M.S.KARNIK, J.)