



revision application under Section 23 of the said Act. By the impugned order, as noted hereinabove, the effect of the order of the Tehsildar has been stayed.

4. The petitioners are aggrieved for the reason that the interim order passed by the respondent-SDO is creating a situation where they have no access to their agricultural land.

5. By order dated 8<sup>th</sup> May 2025, this Court (Coram: Amit Borkar, J.) issued notice to the contesting respondents and granted stay of the impugned order passed by the SDO, having the effect of reviving the order of the Tehsildar.

6. Since the contesting respondent Nos.1 to 5, who are the original revision applicants before the SDO are represented before this Court, the writ petition can be taken up for consideration.

7. Mr. Salgar, learned counsel appearing for the petitioners, reiterated the contentions raised before this Court when the interim order was granted. He submits that copy of the compromise deed placed on record, clearly shows that existence of the right of way was conceded and therefore, there can be no exception to the well reasoned order passed by the Tehsildar. It is also brought to the notice of this Court that on the strength of the interim order dated 8<sup>th</sup> May 2025 passed by this Court, the petitioners applied to the Talathi for execution of the order of the Tehsildar, who suggested that the petitioners should apply for Police protection. Accordingly, the petitioners applied for the Police protection, while the contesting respondent Nos.1 to 5 have

prayed for deferring such an action.

8. Mr. Sabrad, learned counsel appearing for the contesting respondents, submits that the hearing of the revision application is now fixed on 2<sup>nd</sup> July 2025 and this Court may consider directing the said application itself to be finally decided, instead of keeping the present writ petition pending along with the interim order.

9. It is submitted that if the order of the Tehsildar is executed, the revision application would be rendered infructuous.

10. Mr. Dahiphale, learned AGP, submits that on the last date of hearing, neither party had appeared before the SDO.

11. A perusal of the impugned order shows that it is a lengthy order passed by the SDO. Instead of discussing the merits of the matter in such detail and passing such a lengthy interim order, it would have been appropriate for the SDO to have disposed of the revision application itself on merits.

12. The effect of the interim order granted by this Court on 8<sup>th</sup> May 2025 is that the petitioners are insisting upon execution of the order of the Tehsildar, even while the challenge raised thereto on behalf of the contesting respondents, is pending on merits before the SDO. There is substance in the contention raised on behalf of the contesting respondents that execution of the order of the Tehsildar will have the effect of rendering the revision application itself infructuous. Observations that may be made by this Court could influence the SDO as the Revisional Authority in

deciding the pending application.

13. Hence, it would be appropriate that the revision application itself is taken up for consideration on merits and decided forthwith. This Court is informed that the next date of listing before the SDO is 2<sup>nd</sup> July 2025.

14. In the light of the submission made by the learned AGP that neither party had appeared before the SDO on the last occasion, it is necessary to give directions to the parties to ensure that they appear before the SDO on the next date of listing.

15. The writ petition is accordingly disposed of, by directing the parties to appear before the SDO on 2<sup>nd</sup> July 2025, without fail. The SDO is directed to hear the parties and dispose of the pending revision application forthwith i.e. on or before 4<sup>th</sup> July 2025. No further time shall be granted to decide the revision application on merits.

16. In view of the disposal of the writ petition, the interim order dated 8<sup>th</sup> May 2025 is vacated.

17. This Court has made no observations on merits of the matter.

**MANISH PITALE, J.**