



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.1359 of 2025

Dilip s/o Tukaramji Waghale and another
vs.
State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. S.S. Malode, Advocate for the Petitioners.
Mr. H.R. Dhumale, A.G.P. for Respondent Nos.1 to 3.
Mr. A.H. Daga, Advocate for Respondent No.4..

CORAM : **ANIL L. PANSARE, J.**
DATE : **6th MAY, 2025.**

After having heard for some time, it appears that respondent No.4 has filed one page application before the Mamlatdar making grievance of impediment caused on the way to approach his field. The Mamlatdar appears to have not complied with the provisions of the Mamlatdar Courts Act, 1906 (*hereinafter referred to as "Act of 1906" for short*). Section 8 provides that where a petition is not in the form of a plaint but the subject matter thereof falls within the scope of Section 5, the Mamlatdar should explain to the person presenting the petition, the nature of the reliefs afforded by the Act of 1906 and shall enquire, whether the petitioner desires to obtain relief thereby. It further provides that if the petitioner expresses a desire to so obtain relief, the Mamlatdar shall endorse the desire on the petition, which shall be deemed to be a plaint presented under Section 7. Further procedure is provided under Sections 9, 10 and so on.

02. In the present case, the Mamlatdar appears to have completely lost sight of what has been provided under Section 8 of the Act of 1906 and also the subsequent provisions and proceeded to decide the application. There is, thus, apparent error in the manner in which the Mamlatdar processed the application. The same being contrary to the provisions of Act of 1906, the proceedings stand vitiated.

03. As such, the petitioner is aggrieved by the final outcome. However, having found that the interest of respondent No.4 has also been not protected, the order impugned is liable to be quashed and set aside. The Sub-Divisional Officer has continued the aforesaid mistake.

04. The petition is, accordingly, partly allowed. Both the orders dated 23/01/2025 and 19/06/2024 passed by the Sub-Divisional Officer, Morshi and the Tahsildar and Mamlatdar, Warud, respectively, are quashed and set aside. The proceedings bearing Revenue Case No.MCA-5/Humanpeth/05/2023-24 is remanded back to the Mamlatdar for consideration afresh in accordance with law and what has been stated in the body of the order.

05. The parties shall appear before the Mamlatdar on 13th May, 2025.

06. The petition is disposed of with no order as to costs.

(Anil L. Pansare, J.)

**sandesh*