



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

WRIT PETITION NO.5181 OF 2023

- PETITIONERS** :- 1) Uttamrao S/o Zamaji Bhoyar,
Aged about – 76 yrs, Occ. Agriculturist,
R/o Chichghat (Ladki), Tq. Hinganghat,
Dist. Wardha.
- 2) Pramod S/o Uttamrao Bhoyar,
Aged about – 49 yrs, Occ. Agriculturist,
R/o Chichghat (Ladki), Tq. Hinganghat,
Dist. Wardha.

..VERSUS..

- RESPONDENTS** :- 1) The State of Maharashtra,
through its Secretary, Department of
Revenue, Mantralaya, Mumbai – 400 032.
- 2) The Sub-Divisional Officer, Hinganghat,
Tq. Hinganghat, Dist. Wardha.
- 3) The Joint Mamlatdar/Naib Tahsildar,
Hinganghat, Tq. Hinganghat, Dist.
Wardha.
- 4) Arun S/o Vitthalrao Raut,
Aged about – 61 yrs, Occ. Agriculturist,
R/o Chichghat (Ladki), Tq. Hinganghat,
Dist. Wardha.
Presently at Yashwantnagar, Hinganghat,
Tq. Hinganghat, Dist. Wardha.

Mr. V.G. Bhamburkar, Advocate for petitioners.
Mr. S.B. Bissa, A.G.P. for respondents/State.
Mr. Z.Z. Haq, Advocate for respondent No.4.

CORAM : **ROHIT W. JOSHI, JJ.**

DATE : **15/09/2025**

ORAL JUDGMENT :

1. Heard.

2. **Rule.** Rule is made returnable forthwith. Heard finally by consent of learned counsel for the respective parties.

3. The grievance of the petitioners is that their revision petition under Section 23 of the Mamlatdar's Court Act, 1906, was decided on merits without affording them an opportunity of hearing. Mr. Haq, learned advocate for the contesting respondent No.4, draws attention to the ordersheet before the learned Revisional Authority, pointing out that the petitioners failed to appear in the matter to advance oral arguments since 08.12.2022. He, therefore, contends that the learned Divisional Authority had no option to decide the matter on merits.

4. Perusal of the record, indicates that the petitioners were continuously absent for a considerable period. The learned Advocate for the petitioners is unable to offer any justification for the absence in the matter and the failure to advance oral

submissions. However, the fact remains that the matter is decided without hearing. The learned A.G.P. and the learned counsel for the respondent No.4 contend that the petitioners had filed written notes of arguments on record. The ordersheet does not indicate that notes of arguments were filed on behalf of the petitioners. The order does not specifically refer to any written arguments. Be that as it may, a note of arguments cannot be a substitute for oral arguments.

5. The Revisional Authority could have dismissed the matter in default in view of failure on the part of the petitioners to attend in the matter, but the matter could not have been decided on merits without hearing. In that view of the matter, it would be appropriate to remand the matter back to the learned Revisional Court for deciding the revision afresh. Accordingly, I pass the following order :-

- i) The writ petition is **partly allowed**.
- ii) The order dated 23.02.2023 passed by the Sub-Divisional Officer, Hinganghat, Dist. Wardha/respondent No.2, in Revision Application

No.76/MCA-23/2021-22, Mouza Chichghat (Ladki), Tq. Hinganghat, Dist. Wardha, is hereby quashed and set aside.

- iii) The Revision Application No.76/MCA-23/2021-22, Mouza Chichghat (Ladki), Tq. Hinganghat, Dist. Wardha, is remitted back to the Sub-Divisional Officer, Hinganghat, Tq. Hinganghat, Dist. Wardha/respondent No.2, for deciding the same afresh.
- iv) Parties are directed to appear before the Revisional Authority, Hinganghat, Wardha on **25.09.2025**. The Revisional Authority is directed to decide the Revision on or before **17.10.2025**. Parties to note that fresh notice for appearance will not be issued by the Revisional Authority. In the event the petitioners do not argue the matter, the Revisional Authority can proceed to dismiss the revision for want of prosecution.
- v) Interim order dated 03.07.2024 passed in the present petition shall continue to operate till the disposal of the

Revision. However, in the event of default on the part of the petitioners to argue the revision application, it will also be open for the Revisional Authority to vacate the impugned order.

- vi) It goes without saying that the Revisional Authority shall decide the revision on its own merits without being influenced by the impugned order granted by the respondent No.3.

Rule is made absolute in above terms. No order as to costs.

(ROHIT W. JOSHI, J.)

C.L. Dhakate