

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

WRIT PETITION NO.3663 OF 2025

(Arun Mahadeo Lande and another Vs. Sub Divisional Officer, Malkapur and others)

*Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's Orders.*

Court's or Judge's orders.

 Mr. R. D. Karode, Advocate for Petitioners.
 Mr. A. V. Palshikar, AGP for Respondent Nos.1 & 2/State.
 Mr. N. B. Kalwaghe, Advocate for Respondent Nos.3 & 4.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATE: 31st JULY, 2025.

1. Heard Advocate Mr. Karode, learned counsel for petitioners, learned AGP Mr. Palshikar for respondent Nos.1 and 2 and Advocate Mr. Kalwaghe, learned counsel for respondent Nos.3 and 4.

2. The petitioners have challenged order dated 08.07.2025 passed by respondent No.1 – Sub Divisional Officer, Malkapur on an application for stay in revision application challenging the order dated 21.04.2025 passed by the Mamlatdar under the Mamlatdar Court's Act.

3. The petitioner's primary contention is that the impugned order is non-speaking order which does not spell out any reasons for granting interim relief. It is submitted that although the order only mentions that the arguments of the parties were heard and without any reasons there is an inference to refuse stay. The petitioners are original non-applicants before the Mamlatdar and the respondent Nos.3 and 4 had applied for removal of obstruction and right of way from the land of the petitioner which was granted.

This order was challenged by way of revision. It is submitted that in view of the controversy involved the respondent No.1 was required to pass a reasoned order considering the factual and legal aspects. He, therefore, submits that the impugned order is unsustainable in law and is liable to be quashed on this count alone.

4. The petition is opposed by learned AGP as well as Advocate Mr. Kalwaghe. They submit that the impugned order is passed after considering the submissions advanced by the parties and therefore, there is no need to interfere.

5. Perusal of the impugned order shows that the order is passed without mentioning any reasons for refusing stay. It only refers to the fact that the contentions of the parties were heard and thereafter there is straightway inference about refusing interim relief. It is thus clear that the impugned order is unreasoned and thus unsustainable in law and it is liable to be quashed and set aside on this count alone.

6. Writ Petition is partly allowed. Order dated 08.07.2025 passed by the respondent No.1 is quashed and set aside. The respondent No.1 Sub Divisional Officer, Malkapur is directed to consider the application for stay afresh after giving opportunity of hearing to both the parties and pass a reasoned order within four weeks from the date of receipt of this order. Writ petition is disposed of accordingly.

(PRAFULLA S. KHUBALKAR, J.)