



21.wp.218.2024.odt

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

WRIT PETITION NO. 218 OF 2024

(Dilip Lakshmanrao Deshmukh V/s Gopalrao Bhaskarrao Deshmukh & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S. V. Sohoni, Advocate for Petitioner.

Mr. A. S. Deshpande, Advocate for Respondent No.1.

Ms. Prachi Joshi, AGP for Respondent Nos.2 to 4.

CORAM : R. M. JOSHI, J.

DATE : JUNE 26, 2025.

. The learned Counsel for both sides are heard substantially. During the course of hearing, learned Counsel for the Petitioner has drawn attention of this Court to the order passed by this Court in Writ Petition No. 1995/2019, wherein the following observation is made :

“Since the petitioner was not a party to the appeal No. 845/2009, and claims that the order passed therein has an effect of adversely affecting his right to the property, in my considered opinion, this position ought to have been considered by learned Respondent No.4 while passing the impugned order, which does not appear to be so, considering which, the impugned order cannot be sustained. The same is hereby quashed and set aside and the application for condonation of delay is allowed. The matter shall now be heard by Respondent No.4 on merits of it. The petition is accordingly allowed in above terms. No costs.”

2. The said observation indicates that Respondent No.4 was directed to decide the proceedings on merit of the case. In spite of this, Respondent No.4 has not decided the merits of the case. The learned Counsel for Petitioner submits that in view of the order passed by this Court dated 8/6/2023, which has not been challenged before the Hon'ble Supreme Court, the same binds the parties.

3. Though the learned Counsel for contesting Respondent has made an attempt to argue the merits of the proceedings before the Deputy Director of Land Records, Amravati. This contention cannot be accepted at this stage for the reason that this issue has not been decided by the Respondent No.4. Suffice it to say that since the order impugned is contrary to the order passed by this Court, the same deserves to be set aside, and accordingly, set aside.

4. The proceedings are relegated back to the Authority for decision afresh in accordance with the order passed by this Court dated 8/6/2023.

5. Parties are directed to appear on 4th July, 2025. The Authority is not required to issue fresh notice to the parties.

6. It is clarified that all contents of both sides are kept open to be agitated before the Respondent No.4.

7. Prima facie considering the facts, this Court, however, retains this proceeding for the purpose of considering initiating of

contempt proceedings against the Respondent No.4. The learned AGP to make submission in this behalf.

(R. M. JOSHI, J.)

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