



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

WRIT PETITION No.3093 OF 2025

(Maroti Bhivaji Ghagi and another Vs. Subhash Namdeo Chikte 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. S.S.Bhalerao, Advocate for petitioners.
Mr. A.V. Palshikar, AGP for respondent Nos.12 and 13.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 30th JULY, 2025.

1. Heard Mr. S.S. Bhalerao, learned counsel for the petitioners.
2. The petitioners' challenge is to order dated 9.6.2025 passed by the Sub-Divisional Officer on an application for stay in the Revision Application challenging the order passed by the Mamlatdar dated 20.2.2025.
3. Petitioners' primary contention is that the Revisional Authority i.e. Sub-Divisional Officer, Wani has passed order on the stay application which is unreasoned and without considering any of the contentions advanced by the petitioner. He submits that he has demonstrated a prima facie case seeking stay to the impugned order, however, the Authority has not even referred to any of the contentions. He, therefore, submits that the impugned order is unsustainable on this count alone.
4. Apart from this he submits that the application which was submitted by the respondent Nos.1 to 11 to the Tahsildar on 4.3.2024 cannot be considered as a plaint under

Mamlatdar's Courts Act, 1906 and, therefore, initiation of proceedings based on the said application was itself illegal. In support of his submissions, he relies on judgment in the matter of **Nandkumar s/o. Balaji Damkondwar Vs. Tushar Ramesh Aaglave and others**, reported in **2024(3) ALL MR 131**. He further submits that by way of appeal before the Sub-Divisional Officer the petitioner has raised several grounds including the ground that the petitioner has filed proceeding before the District Superintendent of Land Records for correction of 7/12 extract, village map and easmentary rights and the same was partly allowed and the order was confirmed by the Deputy Director of Land Records which was required to be considered. He submits that despite several grounds being raised the Appellate Authority has failed to apply its mind.

5. Learned A.G.P. for the respondent Nos.12 and 13 submits that the petition raises challenge to interim order and since the substantive appeal is pending before the respondent No.13 the petition is liable to be dismissed on this count. However, it is not disputed that the contentions advanced by the petitioner are not reflected in the impugned order.

6. Perusal of impugned order shows that there are absolutely no reasons for rejecting the stay application. The impugned order only refers to the fact of filing of the application and submission of oral argument.

7. Having regard to the submissions advanced and on consideration of the impugned order it becomes clear that the impugned order is non-speaking, unreasoned and it deserves to be quashed on this count alone.

8. Writ Petition is thus allowed.
9. The impugned order dated 9.6.2025, passed by the respondent No.13/Sub-Divisional Officer, Wani is quashed and set aside.
10. The respondent No.13 is directed to pass fresh order on the stay application after affording reasonable opportunity of hearing to the petitioner/appellant before the authority.
11. In view of the contentions raised by the petitioners on merits of the matter, the parties are directed to maintain status-quo as regards petitioners' property bearing Survey No.35 for a period of two weeks from today.
12. Writ Petition is accordingly disposed of.

(PRAFULLA S. KHUBALKAR, J.)