



2-3241-2025

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

WRIT PETITION NO. 3241 OF 2025

(Mohansingh s/o Panditsingh More & Ors. Vs. The Sub-Divisional Officer, Malkapur & Ors.)

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

Court's or Judge's orders.

Mr. N.B. Kalwaghe, Counsel for the petitioners.
Ms K.H. Bondge, A.G.P for respondent nos. 1 and 2/State.

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CORAM : ANIL L. PANSARE, J.
JUNE 24, 2025

Heard.

2] The learned Counsel for the petitioners submits that respondent nos. 3 and 4 moved before the Mamlatdar under Section 5 of the Mamlatdar's Courts Act, 1906 (for short "Act of 1906"), for removal of alleged impediment. The Mamlatdar, *vide* order dated 16/4/2025, allowed the suit filed by the said respondents.

3] The petitioners challenged the order before respondent no.1 – Sub-Divisional Officer, Malkapur, under Section 23 of the Act of 1906 contending that respondent nos. 3 and 4 did not lead any evidence, and despite such status, the suit has been allowed.

4] The learned Counsel for the petitioners submits that respondent no.1 had initially passed order of *status quo*, however, later on, on 18/6/2025, rejected the application seeking stay to the order passed by respondent no.2 - Tahsildar. Thereafter, on 20/6/2025, the Circle Officer issued notice to the petitioners to

remain present on spot on 25/6/2025 for execution of order passed by respondent no.2.

5] The argument is that, pending challenge to the order passed by respondent no.2 and despite there being an order of *status quo*, which was passed earlier, hearing on the stay application was preponed, and thereafter, the application was rejected, and within 48 hours, the Circle Officer has issued notice, meaning thereby, that the entire action is predetermined.

6] Issue notice to the respondents returnable on 22/7/2025.

7] The learned A.G.P. waives notice for respondent nos. 1 and 2.

8] In the meantime, there shall be stay to the execution and implementation of order dated 16/4/2025 passed by respondent no.2.

(ANIL L. PANSARE, J.)

Sumit