



348-2025

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

WRIT PETITION NO. 3348 OF 2025

(Baburao s/o Shamrao Markad Vs. Sub-Divisional Officer, Pusad, Dist. Yavatmal & Ors.)

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

Court's or Judge's orders.

Mr. K.S. Narwade, Counsel for the petitioner.
Ms M.S. Naik, A.G.P for respondent nos. 1 and 2/State.

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CORAM : ANIL L. PANSARE, J.
JUNE 27, 2025

The argument is that, the Mamlatdar has, without complying with the procedure, as laid down under Sections 6, 7, 8 and 9 of the Mamlatdar's Courts Act, 1906 (for short "Act of 1906"), proceeded with the matter and allowed the application directing the petitioner – original non-applicant to remove the impediment. The order is said to have been passed without giving opportunity of hearing to the petitioner.

2] Another argument is that, in earlier round of litigation, similar such order was passed, which came to be challenged before the Sub-Divisional Officer, who remanded the matter back on the count that mandatory procedure, as laid down under the provisions of the Act of 1906, was not followed. Despite such status, in second round of litigation, the Mamlatdar committed similar mistake, however, when the revision was filed, the Sub-Divisional Officer, knowing fully well that the provisions of the Act of 1906 were not followed, has dismissed the same.

3] Issue notice to the respondents returnable on 10/7/2025.

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

5] In addition to usual mode, the petitioner shall serve the respondents through speed post, and file affidavit of service.

6] In the meantime, there shall be stay to the impugned order passed by the Sub-Divisional Officer so also the Mamlatdar.

7] The petitioner shall comply with practice note no. 14 of the Bombay High Court Appellate Side Rules, 1960, particularly, Clause (5) thereof.

(ANIL L. PANSARE, J.)

Sumit