



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

CIVIL APPLICATION (CAW) No.1853 OF 2025
IN
WRIT PETITION No.3765 OF 2025

(Gautam Balkrushna Deotale and others Vs. Shivdas Sadashiv Uike 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. J.J.Chandurkar, Advocate for petitioners.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 11th AUGUST, 2025.

1. This is an application for amendment of the petition to make correction in Ground No.(iii) in the memorandum of petition.
2. Since the application is filed even before notices were issued, the same is allowed.
3. Necessary amendment be carried out within a week.
4. Application is disposed of.

WRIT PETITION No.3765 OF 2025.

1. Heard Mr. J.J. Chandurkar, learned counsel for the petitioners.
2. By way of instant petition, the petitioners have challenged the order dated 03.03.2025 passed by the Tahsildar

Nandgaon Khandeshwar by which the Tahsildar has allowed the application dated 23.09.2024 filed by the respondents and rejected the application dated 03.02.2025 filed by the petitioners seeking protection of their possession during the pendency of the appeal.

3. Learned counsel for the petitioners submits that the petitioners have already filed appeals before the Sub-Divisional Officer, Chandur Railway which are pending and during the pendency of the appeals the petitioners apprehended that the respondents will disturb their possession and, therefore, the application seeking to protect their possession was filed before the Tahsildar. It is pointed out that the proceedings on the application are conducted by the Tahsildar without affording an opportunity of hearing to the petitioners and even the order-sheet of the proceedings shows glaring irregularities in the conduct of the proceedings. The petitioners apprehend that despite pendency of the substantive appeals the respondents will disturb their possession only on the basis of impugned order.

4. A perusal of the impugned order and the order-sheet shows that the Tahsildar has not afforded adequate opportunity

to the parties and even dates of the proceedings on which matter was posted are not specifically mentioned in the order-sheet. It appears that the next dates on which the proceedings are to be conducted are not mentioned and attendance of parties is also not marked. A perusal of the order-sheet shows glaring irregularities in the conduct of proceedings.

5. Since the petitioners have directly challenged the order passed by the Tashildar before this Court invoking jurisdiction under Article 227 of the Constitution of India and although the petitioners have pointed out glaring irregularities in the conduct of proceedings, it is proper that the petitioners are permitted to approach the concerned Appellate Authorities to raise challenge to the impugned order. Although, the petitioners have earlier filed two applications, however, in view of the irregularities referred above, the petitioners are permitted to file application before the Sub-Divisional Officer, Chandur Railway seeking protection of their possession within a period of three weeks from today. The possession of the petitioners may not be disturbed for a period of three weeks. The Sub-Divisional Officer, Chandur Railway is entitled to take its own decision on the stay application, if filed by the

petitioners.

6. In view of this, no interference is called for in the impugned order at this stage.

7. The petition is accordingly disposed of.

(PRAFULLA S. KHUBALKAR, J.)

Wadode