



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 WRIT PETITION NO. 11046 OF 2024

VINOD DAYARAM CHAUDHARY THROUGH GPA DAYARAM GANGARAM
CHAUDHARY

VERSUS

CHANDRAKANT RAMESHCHANDRA PATIL AND OTHERS

...

Mr. R. R. Deshpande h/f. Ms. P. R. Deshpande, Advocate for the Petitioner
Mr. Sandesh R. Patil, Advocate for Respondent No.1

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 12.03.2026

PER COURT :-

. Mr. R. R. Deshpande, learned counsel holding for Ms. P. R. Deshpande, learned counsel for the petitioner, submits that the application filed by the petitioner under the provisions of the Mamalatsdars' Courts Act, 1906 was rejected by the concerned authority on the ground that the contents of the application were not clear and, further, that the petitioner had failed to remove the objections or irregularities pointed out by the office. Consequently, the application came to be rejected.

2. Mr. Deshpande, learned counsel further submits that the revisional authority has also concurred with the findings recorded by the concerned Tahsildar. It is submitted that the petitioner still has a subsisting cause of action against the respondents and, therefore, may be granted liberty to file a fresh application in conformity with the provisions of law.

3. Mr. S. R. Patil, learned counsel for respondent No. 1, in all fairness, agrees with the said contention. However, he submits that in the event such proceedings are initiated afresh, the respondents may be granted an opportunity of being heard.

4. The request made by the petitioner and the response given by the respondents appear to be reasonable. Accordingly, the writ petition is disposed of by granting liberty to the petitioner to institute appropriate proceedings under the Mamalats' Courts Act, 1906, in accordance with law.

5. Upon filing of such proceedings, the Tahsildar, being the authority under the said Act, shall issue notice to the respondents and shall grant them full opportunity of hearing before passing any order in accordance with law.

6. Needless to state that the fresh application shall not be treated as a continuation of the earlier application, and the authority shall consider the same independently on its own merits, particularly with reference to the requirement of urgency contemplated under the provisions of the Act of 1906.

7. With the above observations, the writ petition stands disposed of.

8. It is clarified that the orders impugned in the present writ petition shall not have any bearing or effect on the fresh proceedings, if initiated by the petitioner in accordance with law.

[AJIT B. KADETHANKAR, J.]