

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 508 OF 2026**

Shri Sambhaji Vishnu Wagh and ors

....Petitioners

Vs.

Shri Vitthal Sadashiv Bharate and Ors

....Respondents

Mr. Raghvendra B. Kulkarni i/b Mr. Prasad Kulkarni for the petitioners  
Mr. Kuldeep Nikam a/w Mr. Saiprasad S. Patil for respondent nos. 1  
and 2

Mr. J. P. Patil, AGP for the State

**CORAM : SACHIN S. DESHMUKH, J.**

**DATE : 18<sup>th</sup> MARCH 2026.**

**P.C.**

1. Petitioners raise an exception to the order dated 22/12/2025 passed by the learned Sub-Divisional Officer ('SDO') Madha Division, Kurudwadi, Dist. Solapur in रास्ता २३(२)/एसआर/१५/२०२५ and the order dated 23/08/2023 passed by the Tahsildar, Madha in क.जमा.२/रस्ता केस/कलम-५/एसआर/१२/२०२२. The proceedings under Section 5 of The Mamlatdar's Courts Act, 1906 ('the said Act') were initiated by the respondents. After hearing the litigating sides, the Mamlatdar

allowed the application and issued the consequential directions in that regard.

2. While raising exception to the said order, the respondents approached the SDO under Section 23(2) of the said Act which came to be allowed and while quashing and setting aside the order of Tahsildar datd 23/08/2023, proceedings were remitted back to the Mamlatdar for reconsideration.

3. After the order of remand, the Tahsildar rendered the order dated 03/09/2025 and endorsed the previous order dated 23/08/2023 which is already quashed and set aside.

4. Raising an exception to the same, the petitioners approached the SDO by presenting revision which came to be dismissed holding that it cannot be subjected to challenge in the revisional jurisdiction. Learned counsel for the petitioners strenuously submits that at first place, Tahsildar has grossly erred in endorsing the order which is not in existence particularly and the same is already quashed and set aside, *vis-a-vis* the SDO equally erred in holding that the revision is not maintainable.

5. *Per contra*, learned counsel for respondents and learned AGP supported the order submitting that the authorities have not committed any error. As such, the petition does not warrant any consideration.

6. Upon hearing the litigating sides and perusal of the material on record, it indicates that the Tahsildar has committed serious error of law while endorsing the order dated 23/08/2023 which is no longer in existence.

7. Admittedly, the said order is quashed and set aside by the SDO while exercising the revisional power under Section 23(2) of the said Act. As such, the order is not vogue and in any case, it was not for the Tahsildar to endorse the same abdicating its obligation to decide the issue afresh after order of remand. Apart from the aforesaid aspect, even the Revisional Authority committed serious error of law while ignoring the failure on the part of the Tahsildar while not exercising the jurisdiction vested with it.

8. After the order of remand, it was incumbent upon Tahsildar to decide the issue afresh. In that view of the matter, case is made out warranting exercise the jurisdiction under Article 227 of the Constitution of India, since the authorities below have grossly erred while not exercising the jurisdiction vested with it and endorsed the order which is not in vogue.

9. Thus, the orders under challenge are quashed and set aside. The concerned authority is directed to decide the issue afresh, after hearing the litigating sides and in accordance with law. The litigating sides shall remain present before Tahsildar, Mhada on 06/04/2026.

The concerned authority shall conclude the proceedings within period of 4 months after the appearance of the litigating sides.

10. Needless to clarify that this Court has not considered the merits of the case.

**(SACHIN S. DESHMUKH, J.)**

**IRESH  
MASHAL**

Digitally signed by  
IRESH MASHAL  
Date: 2026.03.24  
19:20:03 +0530