

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1848 OF 2024

Suresh Shankar Waman & Anr.

...Petitioners

*Versus*

State Of Maharashtra Thr.  
Prin. Secretary, Revenue And  
Forest Dept. & Ors

...Respondents

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Mr. V. S. Tadake, *a/w M. B. Gawde for the Petitioner.*

Smt. V. R. Raje, *AGP for the State.*

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CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 6, 2026

ORDER :

1. Despite repeated attempts, the State has been unable to confirm whether the Sub-Divisional Officer, who has passed the Impugned Order, is an Assistant Collector, Deputy Collector or an Assistant Commissioner, which are the three ranks referred to in Section 23(2A) of The Mamlatdar's Courts Act 1906 ("*the Act*").

2. The Additional Affidavit filed on behalf of the State in fact points to an amendment made to Section 23 (2A) with effect from December 31, 2025, whereby the delegation of the revisional powers to

the Sub-Divisional Officer has now been inserted into the statute. Ordinarily, it would follow that since the amendment had been effected on December 31, 2025, the ability to delegate the revisional power to Sub-Divisional Officer would take effect only from that date. However, the Learned AGP refers to a Judgment of the Division Bench of the Nagpur Bench of the Bombay High Court in Writ Petition No.387 of 2017 along with Writ Petition No.8235 of 2017. Paragraph 13 thereof reads thus:

*13. In view of the aforesaid discussion, we answer the reference and hold that the delegation of power by the Collector under sub-section (2A) of Section 23 of the Mamlatdars' Courts Act to the Deputy Collector or Assistant Collector, who is working as the Sub-Divisional Officer of the concerned divisions of the district, is correct, legal and proper. We, however, hold that if any dispute arises as to whether a particular Sub-Divisional Officer is not the Assistant Collector or Deputy Collector or Assistant Commissioner, as is referred to in sub-section (2A) of Section 23 of the said Act, it can be decided on its own merits, and in none of the decisions referred to above, such dispute was ever raised and decided.*

3. It is seen from the foregoing that the Learned Division Bench left the issue for consideration as to whether certain Sub-Divisional Officer is not of the rank of Assistant Collector, Deputy Collector or

Assistant Commissioner, to be decided on merits in any respective case in with such issues arises.

4. This Petition is a case where this issue has fairly arisen and despite two rounds, no affidavit is submitted to address whether the Sub-Divisional Officer is of the rank of the Assistant Collector, Deputy Collector or Assistant Commissioner.

5. Purely as a last chance, the matter is stood over to ***April 15, 2026*** to enable this facet to be clarified.

6. On the face of it, it appears that ability to delegate to the Sub-Divisional Officer has been enabled only from December 31, 2025. Unless it is shown that the Sub-Divisional Officer in question was an Assistant Collector or Deputy Collector also carrying out of role of the Sub- Divisional Officer.

7. Stand over to ***April 15, 2026***.

8. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

**[ SOMASEKHAR SUNDARESAN, J.]**