

MHRT010001282026



Received on : 02.03.2026

Registered on : 02.03.2026

Decided on : 13.03.2026

Duration : Ys. Ms. Ds.
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IN THE COURT OF SESSIONS JUDGE, RATNAGIRI.

AT : RATNAGIRI

(Presided over by : V. Y. Jadhav)

Cri.Rev.A. No.3 of 2026
Exh.No. 8.

1. **Chandrakant Vishram Bavkar**
Age 65 years, Occu.: Agriculture,
2. **Sakharam Narayan Bharati**
Age 55 years, Occu.: Agriculture,
3. **Deu Kusa Bavkar**
Age 60 years, Occu.: Agriculture,
4. **Chandrakant Punaji Janaskar**
Age 50 years, Occu.: Agriculture,
5. **Sakharam Ganu Bavkar**
Age 50 years, Occu.: Agriculture,
All R/o. Kasarwadi, Oni-Kondivale,
Tal. Rajapur, Dist. Ratnagiri. ..**Rev. Applicant.**

Versus

1. **Prakash Vitthal Lingayat**
Age – Adult, Occu.: Agriculture
2. **Sunil Yashwant Gurav**
Age – Adult, Occu.: Agriculture
3. **Subhash Manohar Surve**
Age – Adult, Occu.: Agriculture,

4. Sharad S. Lingayat

Age – Adult, Occu.: Agriculture,
All R/o. Oni-Kondivale,
Tal. Rajapur, Dist. Ratnagiri.

5. State of Maharashtra,

Through Collector of Ratnagiri.

6. Shivaji Punaji Lolage

Age – Adult, Occu.: Agriculture,
R/o. Oni-Kondivale,
Tal. Rajapur, Dist. Ratnagiri.

...Opponents.

::Appearance ::

Shri.V. M. Sakhalkar, Learned advocate for the applicants.

Shri. A.S.Kadam, Learned advocate for the opponents No.
1 to 4 and 6.

Shri. A. A. Fansekar, Learned PP for the opponent No. 5

:: J U D G M E N T ::

(Delivered on 13.03.2026)

1. By way of present application under Section-438 of the Bhartiya Nagarik Suraksha Sanhita, the revision applicants have challenged the order of Id. Executive Magistrate @ Tahasildar Rajapur dated 27.02.2026 in No./Criminal/S.R./03/2026 whereby the opponents were permitted to celebrate the Shimgostav of village Oni Kondivale and the applicants were allowed to participate in the same.

2. Perused the application and say. Heard learned advocate Shri. V. M. Sakhalkar for revision applicants, Shri. A. S. Kadam for the opponents No. 1 to 4 and 6 and learned PP Shri. A. A. Fansekar for opponent No.5.

3. Learned advocate Shri. V. M. Sakhalkar for the applicants submitted that the police Inspector Rajapur Police Station forwarded a report to the Executive Magistrate Rajapur in respect of celebration of Shimga Festival of village Oni, Tal. Rajapur in the temple of "Gram Devata Shree Dev Vimalleshwar temple" apprehending breach of law and order.

4. The Executive Magistrate Rajapur on the basis of this report initiated an inquiry u/s. 163 of B.N.S.S. Act, 2023, bearing case No./Criminal/S.R./03/2026. The revision applicants are shown as party No.1 and opponents are shown as party No.2 in the case. He further submitted that the notices were issued to the parties and after hearing the parties Ld. Executive Magistrate passed the above mentioned order dtd.27.02.2026

5. He further submitted that if the submissions of the parties quoted in the impugned order were perused, then also it will find that the dispute between the parties is pending before the Charity Commissioner and the scheme for registration of the trust has submitted therein. Final decision on the same is awaited. However, it is not disputed that Prakash Lingayat from party No. 2 is Gavkar of the village. However, the Surves were never Mankari (Noble person having rights in the village).

Rather the Bavkars and Bharati were the Mankaries. Surves were tenants of Bavkars and Bharati. Therefore, Surves were paying Pattipasodi (contribution) to Bavkars and Bharati. However, recently Surves have broken said ties.

6. He further submitted that as per ritual the flags and symbols of God (Nishan) should come firstly to Bavkars and Bharati and thereafter the same may proceed further. However, Ld. Magistrate has exceeded his jurisdiction had made some observations which are not on record. It has observed that as per version of Chandrakant Bavkar from party No.1 the Nishan used to go firstly to Surves and thereafter to Bavkars and Bharati. However, there is no such contention of Chandrakant Bavkar. The order is perverse.

7. Moreover, the Executive Magistrate has no right to decide such hereditary rights of the parties. The same may be decided only in the scheme of the trust. He can not allow one party to perform festival and to allow other party to participate the same. In fact due to some reasons Bavakars and Bharati allowed to visit the symbol of God to the house of Surves for some time period. However, as per tradition is the symbol (Nishan) should come to Bavkar and Bharati first. Therefore, such perverse order is required to be set aside.

8. On the other hand, Ld. Advocate Shri. A. S. Kadam for the respondents submitted that only dispute between the parties was whose house symbol (Nishan) should visit first. Now the matter has become infructuous as Nishan had already visited the house of Surves on 04.03.2026. He has submitted an affidavits in support of these contentions and further submitted that, therefore, now nothing survives in the matter. Even otherwise the Nishan used to visit the house of Surves first and that is the tradition. The Ld. Magistrate has considered all these aspects by giving opportunity to both the parties. Hence, the application may be rejected.

9. Ld. PP Shri. A. A. Fansekar submitted that the proceeding is maintainable before Ld. Magistrate. The order would be only for temporary purpose for maintaining law and order in the village. Considering that the order has already implemented, the revision application be disposed off.

10. On perusal of record and rival submissions of the parties, it appears that a proceeding for the registration of trust and its scheme is pending before the Ld. Charity Commissioner. The rights amongst the parties would be decided/confirmed in the same. Certainly the Executive Magistrate is not the authority to

decide the same right. No doubt, there would be an argument that the rights have not been decided by the Ld. Executive Magistrate. However, in spite of granting opportunity the respondent could not pointed out the source of observations of the Ld. Executive Magistrate which mentioned that “तसेच पार्टी नं. १ मधील चंद्रकांत बावकर यांचे कथनानुसार गेले २०-२५ वर्षे निशान आधी सुर्वे यांचेकडे जाते तदनंतर ते बावकर व भारती यांचेकडे येते”.

11. Moreover, when it appears that the dispute is recurring in nature and there is possibility of reoccurring the same every year during Shimgostav. Therefore, the party should relegate to appropriate forum so that the dispute should take its logical end.

12. No doubt, the Executive Magistrate has no right to decide the civil rights of the parties and observations made referred above in respect of alleged admissions of Chandrakant Bavkar is misplaced and perverse. However, he is required to maintain peace in the society. The Magistrate can direct any person to abstain from a certain act or to take certain order with respect to certain property in his possession of under his management, if such Magistrate considers that such direction is likely to prevent or tends to prevent, obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety or a

disturbance of the public tranquility, or a riot or an affray.

13. Therefore, on the basis of report of the Police Inspector he has taken necessary steps on emergency basis. The inquiry is summary in nature and observations made therein would not take away civil rights of the parties. The parties can always get their rights decided before appropriate forum.

14. Therefore, interference in the revision application in such observations may not be proper especially when the order has already implemented and has followed by the parties. The flag and symbol have already visited the house of Surves. In the light of above observations the revision application is required to be rejected with no order as to costs. Hence, I pass following order.

ORDER

1. The application is hereby rejected.
2. No order as to costs.

Dictated and pronounced in open Court.

Date : 13.03.2026

(V. Y. Jadhav)
Sessions Judge, Ratnagiri.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Case Number		Criminal Rev. Application 3/2026
Name of Stenographer	:-	Sou. P.S.Lad
Name of Court	:-	Sessions Judge, Ratnagiri.
Date of Decision	:-	13.03.2026
Order signed by the P.O. on	:-	17.03.2026
Order uploaded on	:-	18.03.2026.