



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3122 OF 2026

RASHID KHAN S/O. NAASIR KHAN  
VS.  
SUB-DIVISIONAL OFFICER, AMRAVATI AND OTHERS

Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. R.J. Mirza, Advocate for petitioner.  
Mr A.S. Fulzele, AGP for respondent Nos.1,2, 7 & 8/State.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 17.04.2026

Heard learned counsel for the petitioner.

2. The petitioner's challenge is to the orders dated 11.05.2023 passed by the Mamlatdar and order dated 11.11.2025 passed by the Sub-Divisional Officer, Amravati, under the Mamlatdar's Courts Act, 1906.

3. Learned counsel for the petitioner submits that the Mamlatdar has entertained an application which does not fulfill the requirement as contemplated by provisions of Section 7 to 9 of the Mamlatdar's Courts Act. He submits that without there being any endorsement by the Mamlatdar with respect to examination of the party on oath and there is no ascertainment about the particulars

being correct, the application is entertained and the impugned orders were passed.

4. By inviting attention to the judgment of this Court in Writ Petition No.7982/2017 dated 25.04.2019, it is submitted that for failure to comply with this mandatory procedure, the impugned orders are rendered unsustainable.

5. Learned counsel for the petitioner submits that there is an alternate way available to the respondents for approaching the respective fields.

6. In view of this, issue notice to the respondents, returnable on 05.05.2026.

7. Learned AGP waives service of notice on behalf of respondent Nos.1, 2, 7 & 8/State.

8. The petitioner is permitted to serve the other respondents by private mode, in addition to regular mode of service and file affidavit of service in that regard by next date.

9. In the meantime, the impugned order shall remain stayed.

(Prafulla S. Khubalkar, J.)