



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 3147 of 2025

[Vimal Laxman Londhe and anr. ..vs.. The S.D.O., Ralegaon, Yavatmal
and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. S. Deshpande, Advocate for the petitioners
Mrs. M. S. Naik, AGP for the State

CORAM : ANIL L. PANSARE J.

DATED : 20-06-2025

Heard.

The counsel for the petitioners submits that the respondent no. 3 filed application under Section 5 of the Mamlatdar's Courts Act, 1906 (for short 'the Act of 1906').

The argument is that, as such, respondent no. 3 should have filed suit and not the application. Further, respondent no. 2 – Mamlatdar was under obligation to convert the application into suit in terms of provisions of Section 6 of the Act of 1906 and should have further complied with the provisions under Sections 7 and 8 of the Act of 1906. Having not done so, the order passed by Mamlatdar is unsustainable in terms of law laid down by the coordinate Bench of this Court in the case of *Gaurakshan Sansthan, Murtizapur Vs. State of Maharashtra and others [2019(6) Mh.L.J. 473]*.

Learned counsel for the petitioners submits that respondent no. 2 - Mamlatdar had initially passed an order. The said order was challenged before respondent no. 1 under Section 23 of the Act of 1906. Respondent no. 1 remanded the matter back to respondent no. 2. In the second round as well, respondent no. 2 failed to adhere to the mandatory provisions of the Act of 1906, particularly Sections 6,7,8 and 9.

Issue notice, returnable in four weeks.

Liberty to circulate the matter, if urgency arise.

Learned Assistant Government Pleader waives notice for respondent nos. 1 and 2.

(Anil L. Pansare, J.)

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