

W.P. No.17763 of 2015

W.P. No.3660 of 2016

17.3.2016

Shri K.C.Ghildiyal and Shri V.P. Verma, Advocates for the petitioners in their respective petitions.

Shri A.A. Barnad, G.A., for the respondents/State.

Shri Mohan Sausarkar, Advocate for the respondent No.5 in W.P. No.17763/2015.

Shri Ramsuphal Chaturvedi, Advocate for the respondent No.7 in W.P. No.17763/2015.

Heard counsel for the parties. As short question is involved, petitions taken up for final disposal forthwith, by consent. Counsel for the respondents waive notice for final disposal.

Fact situation in these cases is identical to the issue decided yesterday (16.3.2016) in W.P. No.22314/2013 and connected matters. For the same reasons, even these petitions must succeed.

The impugned order passed by the Sub-Divisional Officer is quashed and set aside. Parties are relegated before the Sub-Divisional Officer for reconsideration of the representation filed by the petitioners. If the Sub-Divisional Officer finds that the representation has been filed within limitation, must refer the matter to the

principal Civil Court of the District for adjudication. In either case, the matter to proceed on its own merits in accordance with law. The Sub-Divisional Officer must take decision within one month from the date of receipt of copy of this order.

The interim direction given on 20.12.2015 (W.P.No.17763/2015) may continue for a period of six weeks from today. In the event the decision of the Sub-Divisional Officer is adverse to the petitioners, the petitioners will be free to question the same by way of appropriate proceedings. In the event, the Sub-Divisional Officer refers the matter to concerned District Court, the petitioners will be free to move the concerned Court for passing appropriate further orders, as may be advised, if applicable.

*Khan**

(A. M. Khanwilkar)
Chief Justice

(Sanjay Yadav)
Judge