

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5824 OF 2014

Mr. Amit Diliprao Shinde,
Age: 36 years, Occu: Agri.,
Resident of: Limboni Baug,
Tambri Vibhag, Osmanabad,
District Osmanabad.

...Petitioner

versus

1. The Collector,
Osmanabad, District Osmanabad.

2. The State of Maharashtra,
Through the Department,
Urban Development,
Mantralaya, Mumbai.

...Respondents

WITH

WRIT PETITION NO. 5864 OF 2014

Mr. Pruthviraj Kallappa Chilwant,
Age: 31 years, Occu: Agri.,
Resident of: Bouddha Nagar,
Osmanabad, District Osmanabad.

...Petitioner

versus

1. The Collector,
Osmanabad, District Osmanabad.

2. The State of Maharashtra,
Through the Department,
Urban Development,
Mantralaya, Mumbai.

...Respondents

WITH

WRIT PETITION NO. 5866 OF 2014

Mrs. Vrushali Satishrao Dandnaik,
Age: 37 years, Occu: Household,
Resident of: Yeshwant Nagar,
Osmanabad, District Osmanabad.

...Petitioner

versus

1. The Collector,
Osmanabad, District Osmanabad.

2. The State of Maharashtra,
Through the Department,
Urban Development,
Mantralaya, Mumbai.

...Respondents

WITH**WRIT PETITION NO. 5867 OF 2014**

Mrs. Meenakshi Mahadeo Mali,
Age: 38 years, Occu: Household,
Resident of: Tambri Vibhag,
Osmanabad, District Osmanabad.

...Petitioner

versus

1. The Collector,
Osmanabad, District Osmanabad.

2. The State of Maharashtra,
Through the Department,
Urban Development,
Mantralaya, Mumbai.

...Respondents

.....

Mr. Mukul S. Kulkarni, Advocate for petitioners.

Mrs. Yogita M. Kshirsagar, A. G. P. for respondent/State.

.....

CORAM : N.W. SAMBRE, J.**DATED : 5TH JANUARY, 2015**

PER COURT :

. The grievance in these petitions is that the respondent Collector is not adhering to the similar issue as are looked into in other similarly placed matters, wherein issue of jurisdiction is raised and considered.

2. This Court in paragraph Nos. 2 and 3 of the order dated 11/07/2014 observed thus:-

“2. Learned advocate for the petitioners contends that these cases are meted out with a differential treatment by respondent No.1, for, under similar circumstances, the matters are being adjourned for arguments on the question of jurisdiction whereas recording in process sheet in respect of present matters speaks something else which is not in consonance with the factual position. He points out process sheets in respect of present cases as well as the cases of other similarly situated persons. As such, he is being forced to adduce evidence on merits even before decision is taken on jurisdiction as such, he apprehends having regard to notings on process sheet that the decision is likely to be taken by respondent No.1 on merits on 14th July, 2014 itself.

3. In view of aforesaid, hearing of the matters in respect of the petitioners be restricted to the hearing on jurisdiction as in other cases.”

3. Learned A. G. P. though tried to oppose the prayer qua hearing of the proceeding pending before the learned Collector on the issue of the jurisdiction, however, seeks time to file reply in the matter, as instructions in the matter are awaited.

4. These matters are pending since last six months for admission. Having regard to the similar issue involved in the petitions, it will be appropriate to dispose of these petitions with following order :-

The objection raised by the petitioners qua jurisdiction of the Collector to deal with the issue raised before it, be decided first by the Collector.

5. With the above observations, these petitions stand disposed of.

[N.W. SAMBRE, J.]