

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

**WRIT PETITION NO.10193 OF 2015**

Ladji Radhuji Shelke  
Since deceased through L.Rs.  
Ramdas Ladaji Shelke and another

...PETITIONERS

versus

Shahu Nana Borude and others

...RESPONDENTS

.....  
Mr. V.V. Tarde, Advocate for Petitioners  
Mr. S.K. Tambe, A.G.P. for respondent No. 14.  
.....

**CORAM : SUNIL P. DESHMUKH, J.**

**DATED : 13<sup>th</sup> OCTOBER, 2015**

**Order :-**

1. Learned counsel for petitioners states that present petition is preferred against order dated 29-06-2015 granting application for condonation of delay.

2. Learned Assistant Government Pleader however, refers to section 252 of the Maharashtra Land Revenue Code, 1966 and submits that it is not an order which cannot be said to be not appealable. Having regard to phraseology of section 247 of the Maharashtra Land Revenue Code, 1966 and particularly wording used in said section '*a revenue or survey officer*', appeal lies pursuant to said provision. As such, he submits that petitioner has an alternate efficacious remedy available.

3. In view of aforesaid submissions, I do not deem it appropriate to entertain present writ petition. Writ petition, as such, stands disposed of, leaving it open for the petitioner to prosecute alternate remedy. Time consumed during pendency of this writ petition would be appropriately considered while dealing with the application for condonation of delay.

Sd/-

**( SUNIL P. DESHMUKH, J. )**

MTK