

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3967 OF 2015**

Nitin Dindayal Didwania

..Petitioner

Vs.

The State of Maharashtra & Anr.

..Respondents

**Mr. P. S. Dani, Senior Advocate i/b Mr. Rahul Karnik for the Petitioner
Mr. S. D. Rayrikar AGP for the Respondent Nos.1 & 2**

CORAM : R. M. SAVANT, J.

DATE : 20th July, 2015

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 7-1-2015, passed by the Tahsildar-Mangaon, by which order, the lands in question which are referred to in the operative part of the impugned order, have been directed to be forfeited to the Government.

2 In terms of the hierarchy of remedies which are provided under the Maharashtra Land Revenue Code, against the order passed by the Tahsildar, an Appeal would lie before the concerned Sub Divisional Officer and thereafter further remedies by way of an Appeal and Revision up to the State Government.

3 The Learned Senior Counsel appearing on behalf of the Petitioner would however contend that in the instant case, since it is at the behest of the

Additional Commissioner, Konkan Division, as also the Sub Divisional Officer, that the inquiry has been commenced, no useful purpose would be served by the Petitioner filing an Appeal before the SDO.

4 A reading of the order discloses that the Additional Commissioner, Konkan Division, Additional Collector and the SDO had issued directions to the Tahsildar to send the papers relating to the Petitioner being an agriculturist to the concerned Tahsildar of Taluka Bali in Rajasthan and obtain his report. In my view, merely because the said officers have directed the Tahsildar to carry out the said exercise of obtaining the report from the Tahsildar Bali, the same would not indicate that the said authorities in doing so were judgmental, in so far as the status of the Petitioner is concerned, the said authorities being the higher authorities exercising powers under the Maharashtra Land Revenue Code were in their said capacity directing the Tahsildar-Mangaon to carry out the said exercise and the Tahsildar Mangaon was accordingly to deal with the matter thereafter. The record discloses that after obtaining the report of the Tahsildar Bali which the Tahsildar Mangaon has found to be adverse to the Petitioner, that he has passed the impugned order.

5 In my view, for the reasons aforesaid, it is not necessary for this Court to entertain the above Petition as the Petitioner has an alternate efficacious remedy by way of an Appeal before the concerned SDO. Hence by

relegating the Petitioner to the said remedy, the above Petition is disposed of.

6 Needless to state that the SDO or in the event the matter is carried higher by the Petitioner or the State, the said authorities would deal with the matter objectively without being influenced by the directions that they had earlier issued.

[R.M.SAVANT, J]