

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.37961 of 2015

ORDER:

Heard.

The petitioners' state that assignments were granted by the 3rd respondent in their favour in pursuance of order in D.A.R.Dis.No.21/1409, dated 03-06-2000.

Questioning the said assignment, the petitioners state that an appeal was filed by respondents 4 to 6 being Revenue Appeal No.57/2014 and it is pending before the 2nd respondent. The petitioners question the maintainability of the said appeal on the ground that respondents 4 to 6 are not landless poor persons and they were already assignees of different lands. They also question the maintainability of the appeal on the ground that it is filed 14 years after grant of assignment and as such, it is barred by limitation.

I do not, however, think that it is necessary to entertain the writ petition on the aforesaid ground as the petitioners can as well raise their grounds while opposing the said appeal before the 2nd respondent and the 2nd respondent is empowered to examine the maintainability of the appeal, after taking into consideration the objections of the petitioners.

Since the appeal is pending from 2014 onwards, there is no reason to entertain the writ petition. The petitioners are, however, at liberty to raise their objections before the 2nd respondent, who shall consider the same while considering the appeal.

Accordingly, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 23-11-2015

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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Prv